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THE

HISTORY

OF THE

REBELLION AND CIVIL WARS,

BY

EDWARD EARL OF CLARENDON.

THE

HISTORY

OF THE

REBELLION AND CIVIL WARS

IN

ENGLAND,

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EDWARD EARL OF CLARENDON.

1564

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THE

HISTORY

OF THE

REBELLION, &c.

BOOK IV.

WHEN the king came to York, which was about the middle of August, he found no part of either army disbanded; for, though orders had been issued to that purpose, yet the money, without which it could not be done, was not yet come to their hands; and because so great a sum could not be presently procured, as would satisfy both, an act of parliament had been passed, for the satisfaction of the principal officers of the king's army, by which they were promised payment, upon the public faith, in November following; till which time they were to respite it, and be contented that the common soldiers, and inferior officers, should be fully satisfied upon their disbanding.

During the time of the king's abode at York, which was not many days, the earl of Holland, lord general, made a suit to him for the making a baron; which, at that time, might have been worth to him ten thousand pounds. Whether the king apprehended the making an unfit man, who might dis-

serve him in the house of peers; or whether he resolved to contain himself from enlarging that number, except upon an extraordinary relation to his own service, I know not: but he thought not fit, at that time, to gratify the earl: by which he took himself to be highly disobliged, (as the courtiers of that time took whatsoever was denied to them, as to be taken from them,) and having received some information, from sir Jacob Ashley and sir John Coniers, of some idle passages in the late tampering with the army to petition, which had not been before heard of; as soon as the king was gone towards Scotland (though his majesty hath since told me, "that he thought he had left the "earl at parting in very good humour, and devotion "to his service") he wrote a letter to the earl of Essex, to be communicated in parliament, "that "he found there had been strange attempts made "to pervert and corrupt the army, but, he doubted "not, he should be able to prevent any mischief:" the whole sense being so mysterious, that it was no hard matter, after it was read in both houses, to persuade men, that it related to somewhat they had yet never heard; and being dated on the sixteenth day of August, which must be the time that the king was there, or newly gone, (for he took his journey from London on the tenth,) seemed to reflect on somewhat his majesty should have attempted. Hereupon their old fears are awakened, and new ones infused into the people; every man taking the liberty of making what interpretation they pleased of that which no man understood.

The papists were the most popular commonplace, and the butt against whom all the arrows

were directed; and so, upon this new fright, an order was made by both houses "for disarming all "the papists in England:" upon which, and the like orders, though seldom any thing was after done, or no matter of moment, yet it served to keep up the fears and apprehensions in the people, of dangers and designs, and to disincline them from any reverence or affection to the queen, whom they began every day more implacably to hate, and consequently to disoblige. And, as upon those, and the like light occasions, they grew to a license of language, without the least respect of persons, of how venerable estimation soever; so they departed from any order or regularity in debate; or rules and measure in judging; the chief rulers amongst them first designing what they thought fit to be done, and the rest concluding any thing lawful, that they thought, in order to the doing or compassing the same: in which neither laws nor customs could be admitted to signify any thing against their sense.

I remember, about that time, in the providing money for the disbanding the armies, upon which they were marvellously solicitous, from the time that the king went towards the north, there arose a question, "Whether Wilmot, Ashburnham, and "Pollard, should receive their pay due to them "upon their several commands, lying under the "charge of the plot, for bringing up, and corrupting "the army;" very many passionately alleging, "that such men ought not to receive their pay, who "had forfeited their trust:" yet there wanted not many who alleged, "that they had the security of "an act of parliament for their payment, and that

" in justice it could not be detained from them; " that, though they lay under the displeasure of the " house, yet there was so far from a judgment, that " there was not so much as a charge against them, " but that they were at liberty under bail; and " therefore they could not be said to have forfeited " any thing that was their own." In this debate the house seemed equally divided, till one, who well knew what he said, told them, " that " there could not be any reasonable pretence for " detaining their due, as well for the reasons that " had been given, as, that they were absolutely " pardoned by the late act of oblivion, and pacifica- " tion, between the two kingdoms:" the which was no sooner said, than many of those who were before inclined to the gentlemen, changed their opinions, and, without so much as calling to have the statute read, declared, " that they could have no benefit by " that act of parliament, because then, the same " might be as well applied to the archbishop of " Canterbury." And so, without further weighing the law, or the reason, it was thought sufficient, not only to exclude them from that benefit, but to bar them from their money; lest they might be thought to be admitted to it for that reason, which might prove an advantage to another, to whom they had no inclination to be just. And no question, they had been overseen in the penning that statute; the words, in their true and genuine signification and extent, comprehending as well the archbishop of Canterbury, as those who at that time had no contempt of the security they reaped thereby.

Soon after the king went into Scotland, there being some motion " to adjourn the houses till after

"Michaelmas," which seemed to be generally inclined to, very many of both houses being willing to refresh themselves in the country, after so long absence from their homes, (the summer being far spent, and the plague increasing; of which some members had died: and others were in danger, having been in infected houses,) and conceiving, that there was no more to be done till the return of the king, save only the procuring money to finish the disbanding; went into the country: and others, who stayed in the town, were less solicitous to attend the public service; but betook themselves to those exercises and refreshments which were pleasanter to them: insomuch, as within twenty days after the king's remove, there were not above twenty lords, nor much above a hundred commoners, in both houses. But this was the advantage they looked for; those persons continuing (especially in the house of commons) to whose care and managery the whole reformation was committed. They now entered upon the consultation of the highest matters, both in church and state; and made attempts and entries upon those regalities and foundations, which have been since more evident in wider and more notorious breaches.

So when they assumed the power to control and reverse the license and power granted by the king to the Spanish ambassador, for transporting four thousand Irish soldiers upon the disbanding that army into Flanders, (as was before touched,) and to the French ambassador, for three thousand of the army disbanded here, for the service of that king; in debate whereof they used all license to look into the mysteries of state, and to weigh the

interest of kingdoms, of which very few of them could be competent considerers, though they had been qualified by authority. In these irregular and undutiful contests, the French ambassador, whose business was to foment the jealousies between the king and people, had insinuated himself into that liberty of transporting men for his master's service, with no other design, than to be thereby enabled to contribute towards the affronting the king, by departing from it, to ingratiate the houses; and, therefore, having very particular intercourse and correspondence with the prime managers, as soon as upon their first addresses his majesty had signified his engagement to the two kings, and that he could not in honour recede from what he had promised, he voluntarily offered to acquit the king of that supply which concerned his master, if his majesty would likewise retract what was expected by the Spaniard; which gave them opportunity so importunately to press his majesty, who had no other counsel to consult with upon any despatches, but such as durst not contradict their overtures, (secretary Vane then waiting on him,) that he departed from his former resolutions and concessions; and so to common understanding disobliged both crowns, with that disadvantage to himself, that both thereby found his want of power; and the Spaniard from thence (besides the inflammation of the correspondence with Portugal) took occasion to comply with those, who they found could do them hurt; whilst the French delighted themselves both with disappointing their enemy, and cozening their friends; to whom, in truth, they were more irreconciled than to the other. Whether in that conjunc-

ture of the affairs of Christendom, the resolution was well taken of supplying those two kings, or either of them, with soldiers at that time, or whether either kingdom could then well spare auxiliaries to another, I will not now consider; but the counsel being once taken, it was in view that the retracting of it by their advice, who naturally were not counsellors in those mysteries, and yet were very apt to extend and usurp the jurisdiction and right of advising, upon the least precedent of admission, would open a door to let in many bold desires, to the king's disadvantage.

From this liberty and success of advising what was fit to be done without the walls of the kingdom, with reference to the levies for France and Spain, they assumed the same freedom, of consulting and determining what was not fit, within the walls of the church; and finding their numbers to be so thin, that they might, by art or accident, prevail with the major part to be of their mind; and to gratify the more violent party of the reformers, (who, with great impatience, suffered themselves to be contained within any bounds or limits, by those who knew better how to conduct their business,) they entered upon debate of the Book of Common-Prayer, (which sure, at that time, was much reverenced throughout the kingdom,) and proposed, "in regard (they said) many things in it gave "offence, at least umbrage, to tender consciences, "that there might be liberty to disuse it:" which proposition was so ungracious, that, though it was made in a thin house, and pressed by those who were of the greatest power and authority, it was so far from being consented to, that by the major part

(the house consisting then of about six score) it was voted, "that it should be justly and duly observed."

However, the next day, contrary to all rules and orders of parliament, very many being absent who had been active in that debate, they suspended that order; and resolved, "that the standing of the "communion-table in all churches should be "altered;" the rails (which in most places had been set up for the more decency) "should be "pulled down; that the chancels should be levelled, "and made even with all other parts of the church; "and that no man should presume to bow at the "name of Jesus," (which was enjoined by a canon, and of long usage in the church;) and having digested these godly resolutions into an order, they carried it up to the lords for their concurrence; promising themselves, that, from the small number which remained there, they should find no dissent. But the major part of the lords being much scandalized, that the house of commons should not only unseasonably, and irregularly, interpose in a matter of which they had not the least jurisdiction; but should presume to disturb the peace of the church, and interrupt the settled and legal government thereof, by such schismatical presumption, not only refused to join with them, but, instead thereof, directed an order, formerly made by the house of peers, (on the sixteenth of January before,) to be printed, to this effect: "that the divine service should be per-"formed, as it is appointed by the acts of parlia-"ment of this realm; and that all such as shall "disturb that wholesome order, shall be severely "punished, according to the law;" and acquainted the commons therewith; who, nothing satisfied,

pursued their former order; and, "commanding all "the commons of England to submit to their "direction, declared, that the order of the lords "was made by the consent but of eleven lords, and "that nine other lords did dissent from it; and, "therefore, that no obedience should be given "thereunto." Whereas the order had been made in full parliament, seven months before; and was seasonably ordered to be published, by the major part present, upon that important occasion. And such an arraigning the house of peers, for publishing an order in maintenance of the laws established, by those who had no authority to declare what the law was, nor a jurisdiction over those who should infringe the law, was so transcendent a presumption, and breach of privilege, that there was great expectation what the lords would do in their own vindication.

There was one clause in the act of pacification, "that there should be a public and solemn day of "thanksgiving, for the peace between the two "kingdoms of England and Scotland:" but no day being appointed for that act of indevotion, the lords and commons assumed the power to themselves of directing it; and, to that purpose, made an ordinance, as they called it, "that it should be observed "on the seventh of September following, through-"out the kingdom of England and dominion of "Wales." Which was done accordingly; the factious ministers in all pulpits taking occasion then to magnify the parliament, and the Scots; and to infuse as much malignity into the people, against those who were not of that faction, as their wit and malice could suggest; the house of commons cele-

brating that day in the chapel at Lincoln's Inn; because the bishop of Lincoln, as dean of Westminster, had formed a prayer for that occasion, and enjoined it to be read on that day, in those churches [where he had jurisdiction]; which they liked not: both as it was formed, and formed by him; and so avoided [coming there].

After the solemnization of that day, and the making their declaration against the lords, about the order above mentioned, and the recommending some seditious, unconformable ministers, to be lecturers in churches about London, which the ministers were compelled to receive: when they had great apprehension, by their members leaving them, that they should not have forty remaining, (less than which number could not constitute a house of commons,) they consented to a recess; and on the ninth day of September, 1641, they adjourned themselves till the twentieth day of October following: either house irregularly (for the like had never before been practised) making a committee, to meet twice a week, and oftener, if they saw cause, during the recess, and to transact such business as they were authorized to do by their instructions.

The house of lords limited their committee (which consisted of the earls of Essex, Warwick, the lords Wharton, Kimbolton, and twelve more; but every three were as able to transact as the whole number) by their instructions, "only to open the letters "which should come from the committee in Scot-"land, and to return answers to them; with power "to recall that committee, when they thought fit; "to send down monies to the armies; and to

"assist about their disbanding; and in removing "the magazines from Berwick and Carlisle."

But the house of commons thought this power too narrow for their committee; and therefore against order too (for the power of the committees of both houses ought to have been equal) they qualified theirs (which consisted of Mr. Pym, Mr. Saint-John, Mr. Strode, sir Gilbert Gerrard, sir Henry Mildmay, sir Henry Vane, alderman Pennington, captain Venn, and others; every six having the authority of the whole) as well with [the] powers granted to the lords, as likewise, to "go on in preparation of proceedings against such "delinquents, as were voted or complained against "in the house; and to receive any offers [of dis-"covery] that they should make; to send to all "sheriffs, and justices of peace, upon information "of any riots, or tumults; to stir them up to their "duty in repressing them; and to report to their "house any failing in obedience to their sending; "to take the accounts of any accountants to his "majesty, in order to the preparations of his "majesty's revenue; to consider of framing and "constituting a West India company; and to con-"sider the fishing, upon the coasts of England, "Scotland, and Ireland;" and many other extravagant particulars: which neither of both houses had to do with, but served to magnify the authority of that committee; and to draw resort and reverence to them from almost all sorts of men.

The houses being thus adjourned, the committee of the commons appointed Mr. Pym to sit in their chair; who, forthwith, with his own hand, signed

the printed declarations before mentioned, of the ninth of September; and caused them to be so read in all churches in London, and throughout the counties. Whereupon the seditious and factious persons caused the windows to be broken down in churches; broke down the rails, and removed the table, (which, in many churches, had stood in that manner ever since the reformation,) and committed many insolent and scandalous disorders. And when the minister, and the graver and more substantial sort of inhabitants, used any opposition, and resisted such their license, they were immediately required to attend the committee; and, if they could be neither persuaded nor threatened to submit, their attendance was continued from day to day, to their great charge and vexation. If any grave and learned minister refused to admit into his church a lecturer recommended by them, (and I am confident, there was not, from the beginning of this parliament, one orthodox or learned man recommended by them to any church in England,) he was presently required to attend upon the committee; and not discharged till the houses met again; and then likewise, if he escaped commitment, continued, to his intolerable loss and trouble: few men having the patience to endure that oppression, against which they knew not whither to appeal; and therefore in the end submitted to what they could not resist; and so all pulpits were supplied with their seditious and schismatical preachers.

The armies were at last disbanded: and, about the end of September, the earl of Holland, in great

pomp, returned to his house at Kensington; where he was visited and caressed, with great application, by all the factious party: for he had now, whether upon the disobligation remembered before, of being denied the making a baron; or upon some information, of some sharp expressions used by the queen upon his letter; and the conscience of that letter: or the apprehensions of being questioned and prosecuted upon the enormities of his office of chief justice in eyre, and other transgressions, fully declared himself of their party. And that they might be the better prepared to keep up the prejudice to the king, and the keenness against the court, till the coming together of both houses; when they had reason to believe the observation of their crooked and indirect courses, and their visible, unwarrantable breaches, upon the church, and the religion established by law, would render men less devoted to them; his lordship furnished them with many informations of what had passed in the late army, which might be wrested to the king's disadvantage; told them whatsoever the king himself had said to him, when he looked upon him as a person true to him; and when, it is very probable, he was not much delighted with the proceedings at Westminster; and of all the particulars, which sir Jacob Ashley, and sir John Coniers, had informed him, when they took him to be of entire trust with his majesty, and wholly under that consideration, (whereupon they were afterwards examined, and compelled to testify that in public, which they had before imparted to him in the greatest secrecy;) and added to all this, whatever information he had received by the lady

Carlisle, of words or actions, spoken or done by the queen, which might increase their jealousy and malice to her majesty. And himself (who had been always believed a creature of the queen's, and exceedingly obliged and protected by her immediate and single grace and favour, against the earl of Portland, the earl of Strafford, and the archbishop of Canterbury, in those high times when they had otherwise destroyed him) visited her majesty but once, from the time of his return out of the north, to the time of the king's return from Scotland, which was full six weeks. And yet, there were some men still at those private meetings at Kensington, who thought the queen's favour a likelier means for their preferment, than the interest of the others; and therefore always gave advertisement to her of what passed in that company: which information, for want of due care in the managery, and by reason of the unfaithfulness of her nearest servants, commonly produced somewhat, of which the other side made greater advantage, than she could do by the knowledge of their counsels and resolutions.

The short recess of the parliament, though it was not much above the space of a month, was yet a great refreshment to those who had sat near a full year, mornings and afternoons, with little or no intermission; and in that warm region, where thunder and lightning was made. Some very unwarrantable proceedings, by the committee that sat during the recess, or Mr. Pym, who sat in the chair of that committee, and issued out those orders concerning the church, gave so much offence and scandal, that the members were like to meet

together with more courage, and less inclinations to novelties, than they had parted with. But there were several accidents fell out, some from very little, and some from very great causes, which, though they may not seem precisely pertinent to this present discourse, had that influence upon the nature and spirits of men, and upon the actions of that time, that, for the better understanding some particular passages, which will appear pertinent, it will be even necessary, briefly, and it shall be but very briefly, to mention some of those, how foreign soever.

When the king went into Scotland; for the better preserving the correspondence between the two kingdoms, as was pretended; and to see all things performed, which were to be done in the parliament of Scotland, by the act of pacification; a small committee [as hath been before said] was appointed by the two houses, consisting of one lord and two commoners, to attend (as the phrase was) upon his majesty: but, in truth, to be a spy upon him; and to give the same assistance to the parliament there, upon any emergent occasion, as the Scottish commissioners had done here.

The person appointed by the lords, was the lord Howard of Escrick, a younger son of the house of Suffolk; who, in the time of the duke of Buckingham, married a niece of his; and having his whole dependence upon him, and being absolutely governed by him, was by him made a baron: but that dependence being at an end, his wife dead, and he without any virtue to promote himself, he withdrew himself from following the court, and,

shortly after, from wishing it well; and had now delivered himself up, body and soul, to be disposed of by that party, which appeared most averse, and obnoxious, to the court and the government: and only in that confidence was designed to that employment; and to be entirely disposed and governed by the two members, who were joined with him by the house of commons, and they were, sir Philip Stapleton and Mr. Hambden.

The latter hath been mentioned before, as a man of great parts of understanding, and of great dexterity in nature and manners; and he must upon all occasions still be mentioned as a person of great utility, and equal to any employment or trust, good or bad, which he was inclined to undertake.

The other, sir Philip Stapleton, was a proper man, of a fair extraction; but, being a branch of a younger family, inherited but a moderate estate, about five hundred pounds the year, in Yorkshire; and, according to the custom of that country, [had] spent his time in those delights which horses and dogs administer. Being returned to serve in parliament, he concurred with his neighbours, Hotham and Cholmondley; being much younger than they, and governed by them in the prosecution of the earl of Strafford; and so was easily received into the company and familiarity of that whole party which took that work to heart; and in a short time appeared a man of vigour in body and mind; and to be rather without good breeding, than not capable of it; and so he quickly outgrew his friends and countrymen in the confidence of those who governed: and they looked upon him, as worth the getting entirely to them; and not averse

from being gotten; and so joined him with Mr. Hambden in this their first employment (and the first, that ever a parliament had of that kind) to be initiated under so great a master; whose instruction he was very capable of.

There had been, even from the time the Scottish army entered into England, many factions and jealousies amongst the principal persons of that nation; but none so much taken notice of, as that between the two earls, of Montrose, and Argyle. The former took himself to have deserved as much as any man, in contributing more, and appearing sooner, in their first approach towards rebellion; as indeed he was a man of the best quality, who did so soon discover himself; and, it may be, he did it the sooner, in opposition to Argyle; who being then of the king's council, he doubted not, would be of his party. The people looked upon them both, as young men of unlimited ambition; and used to say, "that they were like Cæsar and "Pompey, the one would endure no superior, and "the other would have no equal." True it is, that from the time that Argyle declared himself against the king (which was immediately after the first pacification) Montrose appeared with less vigour for the covenant; and had, by underhand and secret insinuations, made proffer of his service to the king. But now, after his majesty's arrival in Scotland, by the introduction of Mr. William Murray of the bedchamber, he came privately to the king; and informed him of many particulars, from the beginning of the rebellion; and, "that the "marquis of Hamilton was no less faulty, and "false towards his majesty, than Argyle;" and

offered "to make proof of all in the parliament;" but rather desired, "to kill them both;" which he frankly undertook to do; but the king, abhorring that expedient, for his own security, advised, "that "the proofs might be prepared for the parliament." When suddenly, on a Sunday morning, the city of Edinburgh was in arms; and Hamilton and Argyle both gone out of the town to their own houses; where they stood upon their guards; declaring publicly, "that they had withdrawn themselves, "because they knew that there was a design to "assassinate them; and chose rather to absent "themselves, than by standing upon their defence "in Edinburgh (which they could well have done) "to hazard the public peace and the security of "the parliament; which thundered on their be-"half."

The committee at Edinburgh despatched away an express to London, with a dark and perplexed account, in the morning that the two lords had left the city; with many doubtful expressions, "what the end of it would be;" not without some dark insinuations, as if the design might look farther than Scotland. And these letters were brought to London, the day before the houses were to come together, after the recess; all that party taking pains to persuade others, "that it "could not but be a design to assassinate more "men than those lords at Edinburgh."

And the morning the houses were to meet, Mr. Hyde being walking in Westminster-hall, with the earl of Holland and the earl of Essex, both the earls seemed wonderfully concerned at it; and to believe, "that other men were in danger of the

" like assaults:" the other not thinking the apprehension worthy of them, told them merrily, " that " he knew well what opinions they both had of " those two lords, a year or two before, and he " wondered how they became so altered:" to which they answered smiling, " that the times and the " court was much altered since." And the houses were no sooner sat, but the report being made in the house of commons, and the committee's letter from Scotland being read, a motion was made, " to send to the house of peers, that the earl of " Essex, who was left by the king, general on this " side Trent, might be desired to appoint such a " guard, as he thought competent for the security " of the parliament, constantly to attend while the " houses sat;" which was done accordingly; and continued, till they thought fit to have other guards. All which was done to amuse the people, as if the parliament was in danger: when in Scotland all things were quickly pacified; and ended in creating the marquis Hamilton a duke, and Argyle a marquis.

There was another accident happened a little before, of which the indisposition in Scotland was the effect, the death of the earl of Rothes, a man mentioned before, of the highest authority in the contriving and carrying on the rebellion in Scotland, and now the principal commissioner in England, and exceedingly courted by all the party which governed. Whether he found that he had raised a spirit that would not be so easily conjured down again, and yet would not be as entirely governed by him as it had been; or whether he desired from the beginning only to mend his own fortune, or

was converted in his judgment that the action he was engaged in was not warrantable, certain it is, that he had not been long in England, before he liked both the kingdom and the court so well, that he was not willing to part with either. He was of a pleasant and jovial humour, without any of those constraints which the formality of that time made that party subject themselves to; and he played his game so dexterously, that he was well assured upon a fair composition that the Scots' army should return home well paid, and that they should be contented with the mischief they had already done, without fomenting the distempers in England. He was to marry a noble lady of a great and ample fortune and wealth, and should likewise be made a gentleman of the king's bed-chamber, and a privy-counsellor; and upon these advantages made his condition in this kingdom as pleasant as he could; and in order thereunto, he resolved to preserve the king's power as high as he could in all his dominions. When any extraordinary accidents attend those private contracts, men naturally are very free in their censures, and so his sudden falling into a sickness, and from a great vigour of body, in the flower of his age, (for he was little more than thirty,) into a weakness, which was not usual, nor could the physicians discover the ground of it, administered much occasions of discourse; and that his countrymen too soon discovered his conversion. He was not able to attend upon his majesty to Scotland; where he was to have acted a great part; but he hoped to have been able to have followed him thither. His weakness increased so fast, that

by the time the king was entered that kingdom, the earl died at Richmond, whither he retired for the benefit of the air; and his death put an end to all hopes of good quarter with that nation; and made him submit to all the uneasy and intolerable conditions there, they could impose upon him. Yet he returned from thence with some confidence that he should receive no more trouble from thence, the principal persons there having made him great acknowledgment, and greater professions; (for which he had given them all they could desire, and indeed all and more than he had to give:) and Lesley the general, whom he made earl of Leven, with precedence of all earls for his life, had told him voluntarily, and with an oath, that he would not only never serve against him, but would do him any service he should command, right or wrong.

There was a worse accident than all these, which fell out in the time of the king's stay in Scotland, and about the time of the two houses reconvening; which made a wonderful impression upon the minds of men; and proved of infinite disadvantage to the king's affairs, which were then recovering new life; and that was the rebellion in Ireland: which broke out about the middle of October, in all parts of the kingdom. Their design upon Dublin was miraculously discovered, the night before it was to be executed; and so the surprisal of that castle prevented; and the principal conspirators, who had the charge of it, apprehended. In the other parts of the kingdom they observed the time appointed, not hearing of the misfortunes of their friends at Dublin. A general insurrection of the Irish spread

itself over the whole country, in such an inhuman and barbarous manner, that there were forty or fifty thousand of the English protestants murdered, before they suspected themselves to be in any danger, or could provide for their defence, by drawing together into towns, or strong houses.

From Dublin, the lords justices, and council, despatched their letters by an express (the same man who had made the discovery, one O'Conelly, who had formerly been a servant to sir John Clotworthy) to London, to the earl of Leicester, then lord lieutenant of Ireland. From the parts of the north, and Ulster, an express was sent to the king himself, at Edinburgh; and the king's letters from thence, to the two houses, arrived within less than two days after the messenger from Dublin.

It was upon a Sunday night, that the letters from Dublin came to the earl of Leicester; who immediately caused the council to be summoned, and, as soon as it was met, informed them of the condition of Ireland; that is, so much as those letters contained: which were written, when little more was known than the discovery at Dublin; and what the conspirators had confessed upon their examinations. The house of peers had then adjourned itself to the Wednesday following; but the house of commons were to meet on the next day, Monday morning; and the council resolved, "that "they would in a body go to the house of com- "mons, as soon as it sat, and inform them of it;" which they did; notice being first given to the house, "that the lords of the council had some "matters of importance to impart to them, and "were above in the painted chamber ready to come

" to them:" whereupon chairs were set in the house for them to repose themselves, and the sergeant sent to conduct them. As soon as they entered the house, the speaker desired them to sit down; and then being covered, Littleton, lord keeper, told the speaker, " that the lord lieutenant " of Ireland, having received letters from the lords " justices and council there, had communicated " them to the council; and since the house of peers " was not then sitting, they had thought fit, for the " importance of the letters, to impart them to that " house;" and so referred the business to the lord lieutenant; who, without any enlargement, only read the letters he had received, and so the lords departed from the house.

There was a deep silence in the house, and a kind of consternation: most men's heads having been intoxicated, from their first meeting in parliament, with imaginations of plots, and treasonable designs, through the three kingdoms. The affair itself seemed to be out of their cognizance; and the communication of it served only to prepare their thoughts, what to do when more should be known; and when they should hear what the king thought fit to be done. And when the king's letters arrived, they were glad the news had come to him, when he had so good council about him to advise him what to do.

The king was not then informed of what had been discovered at Dublin: but the letters out of Ulster (which he sent to the parliament) gave him notice " of the general insurrection in the north; " and of the inhuman murders committed there, " upon a multitude of the protestants; and that

" sir Phelim O'Neil appeared as the general and " commander in chief."

Upon which his majesty writ to the two houses, " that he was satisfied that it was no rash insur- " rection, but a formed rebellion; which must be " prosecuted with a sharp war; the conducting and " prosecuting whereof he wholly committed to " their care and wisdom, and depended upon them " for the carrying it on; and that for the present " he had caused a strong regiment of fifteen " hundred foot, under good officers, to be trans- " ported out of Scotland into Ulster, for the relief " of those parts;" which were upon the matter wholly inhabited by Scots and Irish; there being fewer English [there], than in any part of Ireland.

This fell out to their wish; and thereupon they made a committee of both houses, " for the " consideration of the affairs of Ireland, and pro- " viding for the supply of men, arms, and money, " for the suppressing that rebellion;" the lord lieutenant of Ireland being one of the committee, which sat every morning in the painted chamber; and the lord lieutenant first communicated all the letters he received, to them to be consulted on, and to be thence reported to the two houses; which were hereby possessed of a huge power and dependence; all men applying themselves to them, that is, to the chief leaders, for their preferments in that war: the mischief whereof, though in the beginning little taken notice of, was afterwards felt by the king very sensibly.

These concurrent circumstances much altered and suppressed that good humour and spirit the houses were well disposed to meet with; and the

angry men, who were disappointed of the preferments they expected, and had promised themselves, took all occasions, by their emissaries, to insinuate into the minds of the people, "that this rebellion "in Ireland was contrived or fomented by the "king, or, at least, by the queen, for the advance-"ment of popery; and that the rebels published "and declared, that they had the king's autho-"rity for all they did;" which calumny, though without the least shadow or colour of truth, made more impression upon the minds of sober and moderate men (who till then had much disliked the passionate proceedings of the parliament) than could be then imagined, or can yet be believed. So great a prejudice, or want of reverence, was universally contracted against the court, especially against the queen, whose power and activity was thought too great.

Shortly after the beginning of the parliament, there had been a committee appointed, "to prepare "and draw up a general remonstrance of the state "of the kingdom, and the particular grievances it "had sustained;" but it scarce ever met, or was ever after mentioned. But now, the houses no sooner met after their recess, than Mr. Strode (one of the fiercest men of the party, and of the party only for his fierceness) moved, "that that committee "might be revived, and ordered to meet;" for which, of course, a time and place was appointed: by which men easily discerned, that nothing of their fury was abated, and the less, in that they found their credit every day lessened in the house, by the opposition and contradiction they sustained. And men being thus disquieted; and knowing little; and

so doubting much; every day produced a new discovery, of some new treason and plot against the kingdom. One day, "a letter from beyond seas, "of great forces prepared to invade England;" then, "some attempt upon the life of Mr. Pym;" and no occasion omitted to speak of the evil council about the king; when scarce a counsellor durst come near him, or be suspected to hear from him; then an order must be framed to the marquis of Hertford, (governor to the prince,) to require him to take all care of his highness' person, and a motion that the king might be desired to make no privy-counsellor but such as the two houses might approve of, and many other such extravagancies, which, though they seemed then but the murmurings of inconsiderable persons, were artificially vented to try the pulse of the house, and whether they were sufficiently inflamed with the new discoveries.

After some days, a new bill was presented to the house of commons, "for the taking away the "bishops' votes in parliament; and for disabling "them to exercise any temporal office in the king-"dom:" against which was objected, "that it was "contrary to the course and order of parliament, "that any bill that had been rejected should be "again preferred the same session; and therefore "that it ought not to be so much as read:" to which nothing was replied but noise; and "that "this bill varied in some clauses from the former; "and that the good of the kingdom absolutely de-"pended upon it:" and so, by majority of voices, it was ordered to be read; and afterwards, without any equal opposition, passed the house, and was transmitted to the lords: the greatest argument

being, "that their intermeddling with temporal "affairs was inconsistent with, and destructive to, "the exercise of their spiritual function." Whilst their reformation, both in Scotland and this kingdom, was driven on by no men so much as those of the clergy, who were their instruments. As, without doubt, the archbishop of Canterbury had never so great an influence upon the counsels at court, as Dr. Burgess and Mr. Marshall had then upon the houses; neither did all the bishops of Scotland together so much meddle in temporal affairs, as Mr. Henderson had done.

There being at this time the bishoprics of Worcester, Lincoln, Exeter, Chichester, and Bristol, void by death, or translation; the king, during the time of his being in Scotland, collated to those sees, Dr. Prideaux, the regius professor of divinity in Oxford; Dr. Winniff, dean of St. Paul's; Dr. Brownerigg, master of Catherine-hall in Cambridge; Dr. Henry King, dean of Litchfield; and Dr. Westfield, of Great St. Bartholomew's, London; all of great eminency in the church; frequent preachers; and not a man, to whom the faults of the then governing clergy were imputed, or against whom the least objection could be made.

As soon as the house of commons heard of this designation of his majesty's, (having then newly the second time sent up to the house of peers their bill to remove bishops from thence,) they were much troubled, that, at a time when they resolved to take away the old, the king should presume to make new bishops, and create so many voices to oppose the other; and therefore they moved very earnestly, "that the lords might be moved to join with them,

" in sending to the king, to make no new bishops " till the controversy should be ended about the " government of the church:" which appeared so unreasonable, that the wisest of them who wished it, apprehended no possibility, that the lords would join with them; or, if they did, that the king would be prevailed with. However, being glad to find their companions had so much mettle, after a long debate, the major part carried it, " that a committee " should be appointed to draw up reasons to give " the lords, to concur with them in that desire to " the king:" but, after that, moved that stone no further.

In all debates of this nature, where the law, reason, and common sense, were in a diameter opposite to what they proposed, they suffered those who differed from them in opinion, and purposes, to say what they thought fit in opposition; and then, without vouchsafing to endeavour their satisfaction, called importunately for the question; well knowing that they had a plurality of voices to concur with them, in whatsoever they desired. I remember, in this last business, when it was voted that a committee should be named to draw up reasons, the committee being to be named, many of those who had during the debate positively argued against the thing, were called upon to be of that committee; and, amongst these, the lord Falkland, and Mr. Hyde, who stood up, and " desired to be excused " from that service, where they could be of no use; " having given so many reasons against it, that they " could not apprehend any could be given for it; " therefore they thought the work would be better " done, if those, who had satisfied themselves with

" the reasonableness of what they wished, would " undertake the converting and disposing of other " men." There was a gentleman who sat by, (Mr. Bond of Dorchester; very severe, and resolved, against the church and the court,) [who,] with much passion and trouble of mind, said to them, " For God's sake be of the committee; you know " none of our side can give reasons;" which made those that overheard him smile, though he spake it suddenly, and upon observation that their leaders were not then in the house. Otherwise, it cannot be denied, those who conducted them, and were the contrivers of the mischief, were men of great parts, and unspeakable industry; and their silence in some debates proceeded partly from pride, that it might appear their reputation and interest had an influence upon the sense of the house, against any rhetoric or logic: but principally from the policy they were obliged to use; for though they could have given a pregnant reason for the most extravagant overture they ever made, and evinced it, that it was the proper way to their end; but it being not yet time to discover their purposes, (how apparent soever they were to discerning men,) they were necessarily to give no reasons at all; or such as were not in truth the true ones.

This stratagem failing, of stopping the creation of the new bishops, they endeavour by all means to hasten the house of peers to despatch the work before them, before they should be qualified (their elections, confirmations, and consecrations, and other ceremonies, spending much time) to increase the number of the opposers; and for the better doing thereof, with great confidence, they demand

of the lords, "that no recusant lord, or bishop, "*might have a vote in the passing* that act: the "*last being parties;* and the other not supposed "competent judges on the behalf of the kingdom." But, when they found that logic could not prevail, (the demand being indeed so scandalous, that the house of peers, if they had not been fatally sotted, must have resented it as a high presumption, and insolent breach of privilege,) with more formality and colour, though as unreasonably, they pressed, "that those thirteen bishops, whom they had "before impeached, for making the late canons; "and upon whom their lordships themselves had "passed notable votes," (such in truth as were fitter for accusers than judges, unparliamentary and unprecedented,) "might be sequestered from "the house, till they should be brought to judg-"ment." And for this, without any shame, they found lawyers in their house, who, prostituting the dignity and learning of their profession, to the cheap and vile affectation of popular applause, were not ashamed to aver custom and law for their senseless proposition. But the house of peers was not yet deluded enough, or terrified, (though too many amongst them paid an implicit devotion to the house of commons,) to comply in this unreasonable demand.

And here I cannot but with grief and wonder remember the virulency and animosity expressed upon all occasions, from many of good knowledge in the excellent and wise profession of the common law, towards the church and churchmen; taking all opportunities, uncharitably, to improve mistakes into crimes; and, unreasonably, to transfer and

impute the follies and faults of particular men, (swollen with ambition or corrupted with avarice) to the malignity of their order and function; and so whet and sharpen the edge of the law, to wound the church in its jurisdiction; and at last to cut it up by the roots, and demolish its foundation. It cannot be denied, that the peevish and petulant spirits of some clergymen have taken great pains to irreconcile that profession to them; and others as unskilfully (finding that in former times, when the religion of the state was a vital part of its policy, many churchmen were employed eminently in the civil government of the kingdom) imputed their wanting those ornaments their predecessors wore, to the power and prevalency of the lawyers; some principal men whereof, in all times, they could not but remember as avowed enemies of the church: and so believed the straitening and confining their profession must naturally extend and enlarge their own jurisdiction. Thence proceeded their bold and unwarrantable opposing and protesting against prohibitions, and other proceedings at law, on the behalf of ecclesiastical courts; and the procuring some orders and privileges from the king, on the behalf of that faculty; even with an exclusion of the other: as the archbishop of Canterbury prevailed with the king to direct, "that half "the masters of the chancery should be always civil "lawyers;" and to declare, "that no others, of "what condition soever, should serve him as "masters of request." Which was a great mistake: for, besides the stopping prohibitions was an envious breach upon the justice of the kingdom; which, at some time or other, will still be too hard

for the strongest opposers and oppressors of it: I could never yet know, why the doctors of the civil laws were more of kin to the bishops, or the church, than the common lawyers were. To say that their places were in their disposal, as chancellors, commissaries, and the like; and, therefore, that their persons were more like to be at their disposal too, at least, to pay them greater reverence, concludes nothing: for they had all opportunity enough, and I think equal to oblige and create a dependence from the other profession; and I am persuaded, the stewardships to bishops, and of the lands of the church, which were to be managed by the rules of the common law, were not much inferior in profit to all the chancellorships in England. And for their affection and respect to their patrons, I believe, experience hath now manifested, that though many of the common lawyers have much indiscretion, injustice, and malice to repent of towards the church, the professors of the civil law have not been less active, to their skill and power, in the unnatural destruction of their mother; and then, where their policy may consist with justice, it will be no ill measure in making friendship, to look into the power of doing hurt and doing good, as well as into the faculty of judging; and it was apparent, that the civil law in this kingdom could neither help or hurt the church in any exigent, it being neither of reputation enough to advance it, or power to oppress it; whereas the professors of the other had always, by their interests, experience, abilities, and reputation, so great an influence upon the civil state, upon court and country, that they were notable friends or enemies; and then the dependence of

the church was entirely upon that law, all their inheritance and estates (except their minute tithes) being only determinable by those rules; and by which they have seldom received eminent injustice. And truly, I have never yet spoken with one clergyman, who hath had the experience of both litigations, that hath not ingenuously confessed, "he had "rather, in the respect of his trouble, charge, and "satisfaction to his understanding, have three suits "depending in Westminster-hall, than one in the "arches, or any ecclesiastical court."

The particulars above mentioned were, I confess, to vulgar minds, great provocations and temptations to revenge; and, therefore, I do not at all wonder, that, in the great herd of the common lawyers, many pragmatical spirits, whose thoughts and observations have been contracted to the narrow limits of the few books of that profession, or within the narrower circle of the bar-oratory, should side with the others, in the womanish art of inveighing against persons, when they should be reforming things: and that some, by degrees, having found the benefit of being of that opinion, (for we all remember, when papist and puritan lawyers got more money than their neighbours, for the opinions they had; not which they delivered,) grew, at last, to have fits of conscience in earnest; and to believe, that a parity in the church was necessary to religion, and not like to produce a parity in the state; the suspicion of which would quickly have wrought upon their divinity.

But, that learned and unbiassed (I mean unprovoked) men, in that science, who knew the frame and constitution of the kingdom, and that the

bishops were no less the representative body of the clergy, than the house of commons was of the people; and, consequently, that the depriving them of voice in parliament, was a violence, and removing landmarks, and not a shaking (which might settle again) but dissolving foundations; which must leave the building unsafe for habitation: [that such men,] who knew the ecclesiastical and civil state was so wrought and interwoven together, and, in truth, so incorporated in each other, that like Hippocrates' twins, they cannot but laugh and cry together; and that the professors of the law were never at so great a height, as even in this time that they so unjustly envied the greatness of the church: and, lastly, [that they,] who might well know, that the great and unwieldy body of the clergy, consisting of such different tempers, humours, inclinations, and abilities, and which inevitably will have so strong an influence upon the natures and affections of the people, could never be regulated and governed by any magistrates, but of themselves; nor by any rules, but such power which the bishops exercised; whom (besides all arguments of piety, and submission to antiquity) experience of that blessed time since the reformation, not to be paralleled in any nation under heaven, declared to be the most happy managers of that power, whatsoever rankness and excrescence had proceeded from some branches: I say, that these knowing and discerning men (for such I must confess there have been) should believe it possible for them to flourish, and that the law itself would have the same respect and veneration from the people, when the well disposed fabric of the church

should be rent asunder, (which, without their activity and skill in confusion, could never have been compassed,) hath been to me an instance of the Divine anger against the pride of both, in suffering them to be the fatal engines to break one another: which could very hardly have been oppressed by any other strength or power than their own.

And I cannot but say, to the professors of that great and admirable mystery, the law, (upon which no man looks with more affection, reverence, and submission,) who seem now, by the fury and iniquity of the time, to stand upon the ground they have won, and to be masters of the field; and, it may be, wear some of the trophies and spoils they have ravished from the oppressed; that they have yet but sharpened weapons for others to wound themselves; and that their own eloquence shall be applied to their own destruction. And, therefore, if they have either piety to repent and redeem the ill that they have wrought, or policy to preserve their own condition from contempt, and themselves from being slaves to the most abject of the people, they will wind up the church and the law into one bottom; and, by a firm combination and steady pursuit, endeavour to fix both to the same pinnacle, from whence they have been so violently ravished.

By this time the king was as weary of Scotland, as he had been impatient to go thither; finding all things proposed to him, as to a vanquished person, without consideration of his honour, or interest; and having not one counsellor about him, but the duke of Lenox, (who from the beginning carried himself by the most exact rules of honour, gratitude,

and fidelity to him,) and very few followers, who had either affection to his person, or respect of his honour.

That which should have been an act of oblivion, was made a defence and justification of whatsoever they had done: their first tumults, and erecting their tables in opposition [to], and at last suppressing, both courts of justice and session; and the acts and orders of those tables, declared to be "the "effects of their duty to his majesty; and according "to the law of the land:" and so all those, who according to their allegiance had opposed and resisted them on the behalf of his majesty, and [were] qualified by his majesty's commissions, [were] adjudged criminal; and the only persons excepted from pardon, and exempted from the benefit of that oblivion.

The seditious acts of the assembly, which had expelled all bishops, and the canonical clergy, from being members of that assembly; and declared themselves to have a power "to inflict the censures "of the church upon his majesty himself;" were declared "to be lawful, and according to the con-"stitution of the kingdom; and the government of "the church by archbishops and bishops, declared "to be against the word of God, and an enemy to "the propagation of the true reformed protestant "religion; and therefore to be utterly abolished; "and their lands given to the king, his heirs, and "successors."

In consideration of the king's necessary absence from that his native kingdom, it was thought fit, "that the full and absolute government thereof "should be committed to the lords of the secret

" council; who were likewise made conservators " of the peace of the two kingdoms, during the " intervals of parliaments;" and those lords and conservators " were then, and still, to be named by " parliament, which was once in three years to as- " semble upon a day certain, without any summons " from the king, if he neglected to publish such " summons; and, upon the same reason, all great " officers, as chancellor, treasurer, secretary, and " the rest, nominated by parliament; and in the " interval by the lords of the secret council;" without so much as being concerned in his majesty's approbation.

All which acts, and whatsoever else they were pleased to present to him, concerning church or state, the king confirmed; and thereby made the lord Lowden, who had been the principal manager of the rebellion, chancellor of Scotland; and created him likewise an earl; and conferred the other great offices, as he was directed: then he made the earl of Argyle (for he was still trusted with conferring of honours) marquis; their great general, Lesley, earl of Leven; and their lieutenant-general, earl of Calendar; and conferred other honours, according to the capacity and ability they had had in doing him mischief: and, lastly, (leaving all his own party to live, for he had procured a pardon for them from the parliament, upon condition " they came not near the king's presence; " nor received any benefit from him, without their " approbation,") he gave all the lands of the church, which had been devolved to him by their ruin, and whatsoever he had else to give, in that kingdom, to those who had discovered it not to be in

good hands before: so that he seemed to have made that progress into Scotland, only that he might make a perfect deed of gift of that kingdom; which he could never have done, so absolutely, without going thither. And so, having nothing more to do there, he began his journey towards England about the middle of November.

It is not to be doubted, in consideration of those extravagant concessions, they made as extravagant promises to the king; that, by their loyal and dutiful comportment, his majesty should find no diminution of his power; that he should have the entire obedience of that nation, to preserve his full rights and regalities in England; and to reduce Ireland: the earl of Leven telling him, (as marquis Hamilton assured me, in his hearing,) "that "he would not only never more serve against him, "but that whenever his majesty would require "his service, he should have it, without ever asking "what the cause was:" and many of them whispering in his ear, and assuring him, "that as soon as "the troubles of the late storm could be perfectly "calmed, they would reverse and repeal whatso-"ever was now unreasonably extorted from him." And his majesty having never received any profit from Scotland, or other benefit than the reputation of a kingdom in his title, cared the less for what he parted with there: and, it may be, being resolved they should be no more charge to him in his court, (for sure he was then perfectly irreconciled to the whole nation,) he believed he should save more in this kingdom, than he had given in that; and he made no scruple, but that they were so full fed now, that they would not stir from home

again, till the temper and affection of his people here should be better disposed for their reception.

But his majesty never considered, or not soon enough, that they could not reasonably hope to keep what they had so ill got, but by the same arts by which they were such gainers; and there cannot be a surer evidence of the continuance of an enemy, than the having received injuries from him, of a nature that do not use to be forgiven. Neither did he sufficiently weigh the unspeakable encouragement, and, in some particulars, the reasonable pretence the factious party here would have, from the prosperous wickedness of those there. And, it is certain, their number from thence increased wonderfully; the enemies of the church presuming their work was more than half done, when the king himself had declared, (for his consent to that act they would easily make appear to be such,) "that the government by archbishops, "and bishops, was against the word of God, and "the propagation of religion." Many concluding the king would at last yield to any thing, put themselves in company of the boldest and most positive askers; and some, who in their hearts abhorred what the Scots had done, yet disdaining to be overwitted by them; and that they should get more for themselves, and receive a greater argument of the king's trust, than we of this nation; out of pure malice to them, resolved to do the same things with them; and so joined and concurred in any exorbitances. All which the king too late discovered, by the entertainment he received upon his return.

About the time the news came of the king's

being to begin his journey from Scotland upon a day appointed; and that he had settled all things in that kingdom to the general satisfaction; the committee for preparing the remonstrance offered their report to the house; which caused the draught they offered to be read. It contained a very bitter representation of all the illegal things which had been done, from the first hour of the king's coming to the crown, to that minute; with all those sharp reflections which could be made, upon the king himself, the queen, and council; and published all the unreasonable jealousies of the present government, of the introducing popery; and all other particulars, which might disturb the minds of the people; which were enough discomposed.

The house seemed generally to dislike it; many saying, "that it was very unnecessary, and unsea- "sonable: unnecessary, all those grievances being "already fully redressed; and the liberty and pro- "perty of the subject being as well secured for "the future, as could possibly be done: and then "that it was very unseasonable, after the king had "gratified them, with granting every thing which "they had desired of him; and after so long ab- "sence, in the settling the disorders in another "kingdom, which he had happily composed; to "be now welcomed home with such a volume of "reproaches, for what others had done amiss, and "which he himself had reformed." Notwithstanding all which, all the other party appeared passionately concerned that it might not be rejected; and enlarged themselves with as high expressions against the government, as at first; with many insinuations, "that we were in danger of being

" deprived of all the good acts which we had " gained, if great care and vigilance was not used, " to disappoint some counsels which were still " entertained;" making doubtful glances and reflections upon the rebellion in Ireland, (with which they perceived many good men were easily amused,) and in the end prevailed, " that a day should be " appointed, when the house should be resolved " into a grand committee, and the remonstrance " to be then retaken into consideration:" and in the mean time they employed all their credit and interest with particular men, to persuade them, " that the passing that remonstrance was most " necessary, for the preservation and maintenance of " all those good laws which they had already " made;" giving several reasons to several persons, according to their natures and inclinations; assuring many, " that they intended it only for the mortifi- " cation of the court, and manifestation that that " malignant party, which appeared to be growing " up in the house, could not prevail;" and then " that it should remain still in the clerk's hands, " and never be published."

And by these, and the like arts, they promised themselves, that they should easily carry it: so that the day it was to be resumed, they entertained the house all the morning with other debates, and towards noon called for the remonstrance; and it being urged by some, " that it was too late to " enter upon it, with much difficulty they con- " sented, that it should be entered upon the next " morning at nine of the clock; and every clause " should be debated, the speaker in the chair;" for they would not have the house resolved into

a committee, which they believed would spend too much time. Oliver Cromwell (who, at that time, was little taken notice of) asked the lord Falkland, "Why he would have it put off, for that day "would quickly have determined it?" He answered, "There would not have been time enough, "for sure it would take some debate." The other replied, "A very sorry one:" they supposing, by the computation they had made, that very few would oppose it.

But he quickly found he was mistaken: for the next morning, the debate being entered upon about nine of the clock in the morning, it continued all that day; and candles being called for when it grew dark, (neither side being very desirous to adjourn it till the next day; though it was evident, very many withdrew themselves out of pure faintness and disability to attend the conclusion,) the debate continued, till after it was twelve of the clock, with much passion; and the house being then divided, upon the passing or not passing it, it was carried for the affirmative, by nine voices, and no more: and as soon as it was declared, Mr. Hambden moved, "that there might "be an order entered for the present printing it;" which produced a sharper debate than the former. It appeared then, that they did not intend to send it up to the house of peers for their concurrence; but that it was upon the matter an appeal to the people; and to infuse jealousies into their minds. It had never been the custom to publish any debates, or determinations of the house, which were not regularly first transmitted to the house of peers; nor was it thought, in truth, that the

house had authority to give warrant for the printing of any thing; all which was offered by Mr. Hyde, with some warmth, as soon as the motion was made for the printing it; and he said, "he "did believe the printing it in that manner was "not lawful; and he feared it would produce "mischievous effects; and therefore desired the "leave of the house, that if the question should be "put, and carried in the affirmative, that he might "have liberty to enter his protestation;" which he no sooner said, than Jeffery Palmer (a man of great reputation, and much esteemed in the house) stood up, and made the same motion for himself, "that he might likewise protest." When immediately together many afterwards, without distinction, and in some disorder, cried out, "They did "protest:" so that there was after scarce any quiet and regular debate. But the house by degrees being quieted, they all consented, about two of the clock in the morning, to adjourn till two of the clock the next afternoon. And as they went out of the house, the lord Falkland asked Oliver Cromwell, "whether there had been a debate?" to which he answered, "that he would take his word "another time;" and whispered him in the ear, with some asseveration, "that if the remonstrance "had been rejected, he would have sold all he had "the next morning, and never have seen England "more; and he knew there were many other "honest men of the same resolution." So near was the poor kingdom at that time to its deliverance.

And however they got this victory, they did not in a long time recover the spirits they lost, and the agony they had sustained, whilst it was in sus-

pense; and they discerned well enough, that the house had not, at that time, half its members; though they had provided, that not a man of their party was absent; and that they had even then carried it by the hour of the night, which drove away a greater number of old and infirm opposers, than would have made those of the negative superior in number: so that they had little hope, in a fuller house, to prevail in any of their unjust designs, except they found some other expedient, by hopes or fears, to work upon the affections of the several members.

In order to which, they spent most part of the next day in their private consultations, how to chastise some of those who most offended them the day before; and resolved in the first place, not to suffer that precedent to be introduced into the house, "that men should protest against the sense "of the house:" which, it is true, had not been used in the house of commons. And this subject was the more grateful to them, because they should hereby take revenge upon Mr. Hyde, whom they perfectly hated above any man; and to whose activity they imputed the trouble they had sustained the day before; and he was the first who made the protestation, that is, asked leave to do it; which produced the other subsequent clamour, that was indeed in some disorder. But here they differed amongst themselves; all the leading violent men, who bore the greatest sway, were most glad of the occasion, as it gave them opportunity to be rid of Mr. Hyde, which they passionately desired: but sir John Hotham, Cholmondley, and Stapleton (who never severed, and

had a numerous train which attended their motions) remembered the service Mr. Hyde had done against the court of York, (the overthrowing whereof was their peculiar glory,) and would not consent that they should question him; but were ready to concur with them in the prosecution of any other of the protesters; whereof there was number enough. This made so great difference amongst them, that for the present they agreed no further, than "that they would that afternoon "only provide, that the next morning they would "fall upon the matter;" and that then they might consult together at night, what person they would sacrifice.

And so about three of the clock, when the house met, Mr. Pym "lamented the disorder of the night "before, which, he said, might probably have en-"gaged the house in blood, and proceeded princi-"pally [from] the offering a protestation, which had "been never before offered in that house, and was "a transgression that ought to be severely exa-"mined, that mischief hereafter might not result "from that precedent: and therefore proposed, "that the house would the next morning enter "upon that examination; and in the mean time, "men might recollect themselves, and they, who "used to take notes, might peruse their memo-"rials; that the persons who were the chief "causers of the disorder might be named, and "defend themselves the best they could:" and with this resolution the house arose; the vexation of the night before being very visible in the looks and countenance of many. And that night's deliberation, nor all the artifice or importunity that

could be used, could not remove the obstinate northern men from their resolution: and they declared positively, "that, if they prosecuted Mr. "Hyde, they, and all their friends, would engage "in his defence:" but the others would not incur the danger or inconvenience of such a schism; and so they unanimously agreed upon a third person, whom they would accuse.

The next morning they first enlarged upon the offence itself; "of the mischief it had like to have "produced, and of the mischief it would unavoid- "ably produce, if the custom or liberty of it was "ever introduced; that it was the first time it had "ever been offered in that house; and that care "ought to be taken, that it should be the last; by "the severe judgment of the house, upon those "persons who had begun the presumption."

Mr. Hyde, who had then known nothing of the private consultation, and had many reasons to believe himself to be designed, stood up (notwithstanding some signs made to him at a distance by his northern friends, which he understood not) and said, "It concerned him to justify what he had "done, being the first man who mentioned the "protestation:" upon which there was a general noise and clamour "to withdraw;" and as great "to speak:" upon which he proceeded, and said, "He was not old enough to know the ancient cus- "toms of that house; but, that he well knew, it "was a very ancient custom in the house of peers; "and leave was never denied to any man, who "asked that he might protest, and enter his dis- "sent, against any judgment of the house, to "which he would not be understood to have given

" his consent: that he did not understand any " reason, why a commoner should not have the " same liberty, if he desired not to be involved " in any vote, which he thought might possibly be " inconvenient to him. That he had not offered " his protestation against the remonstrance, though " he had opposed [it] all he could, because it re- " mained still within those walls; that he had " only desired leave to protest against the printing " it; which, he thought, was not in many respects " lawful for them to do; and might prove very " pernicious to the public peace."

They were very much offended with all he said, and his confidence in speaking; and Mr. Strode could not contain himself from saying, " that that " gentleman had confessed that he had first pro- " posed the protestation; and, therefore, desired he " might withdraw;" which many others likewise called for: till sir John Hotham appeared with some warmth against it; and young Hotham, his son, accused Jeffery Palmer " of giving the cause " of disorder, by saying, *I do protest*, without " asking the leave of the house, and encouraging " [others] to cry out every man, *I do protest:*" whereupon they all fell into that noise and confusion; and so, without much more discourse, Mr. Palmer was called upon " to explain;" which as he was about to do, Mr. Hyde (who loved him much, and had rather have suffered himself, than that he should) spake to the orders of the house; and said, " that it was against the orders and practice " of the house, that any man should be called upon " to explain, for any thing he said in the house " two days before; when it could not be presumed,

" that his own memory could recollect all the words " he had used; or that any body else could charge " him with them; and appealed to the house, " whether there was any precedent of the like." And there is no doubt, there never had been; and it was very irregular. But they were too positively resolved not to be diverted; and, after two hours' debate, himself desiring, " that, to save the house " further trouble, he might answer, and with- " draw;" which he did. When it drew towards night, after many hours' debate, it was ordered, " that he should be committed to the Tower;" the angry men pressing, with all their power, " that " he might be expelled the house;" having borne him a long grudge, for the civility he shewed in the prosecution of the earl of Strafford; that is, that he had not used the same reproachful language which the others had done: but they were at last glad to compound for his bare commitment to the Tower: from whence he was within few days enlarged, and returned again to the house. And in the close of that day, and the rising of the house, without much opposition, they obtained an order for the printing their remonstrance.

That remonstrance, after many clauses and unbecoming expressions were cast out, contained, " that there had been, from the beginning of his " majesty's reign, a malignant and pernicious de- " sign, of subverting the fundamental laws and " principles of government, upon which the reli- " gion and justice of the kingdom was established: " that the actors and promoters thereof were the " jesuited papists; the bishops and corrupt part of " the clergy; and such counsellors and courtiers,

" as had engaged themselves to further the inter-
" ests of some foreign princes, or states, to the
" prejudice of the king and state at home; all
" which had endeavoured to raise differences and
" discontents betwixt the king and his people,
" upon questions of prerogative and liberty; to
" suppress the purity of religion, and such men as
" were best affected to it, as the greatest impedi-
" ment to that change which they thought to in-
" troduce; to cherish and maintain those opinions
" in religion, which brought ours nearest and most
" agreeable to the papists'; and to continue, multi-
" ply, and enlarge the differences between the pro-
" testants themselves, distinguishing between pro-
" testants and puritans, by introducing and coun-
" tenancing such opinions and ceremonies, as were
" fittest for accommodation with popery; that so,
" of papists, Arminians, and libertines, they might
" compose a body fit to act such counsels and re-
" solutions, as were most conducible to their own
" ends: and, lastly, to disaffect the king to parlia-
" ments, by slanders and false imputations, and so
" putting him upon other ways of supply, as of
" more advantage than the ordinary course of
" subsidies, which brought infinite loss to king
" and people, and caused the distractions which
" ensued."

They remembered "the breach of the parliament
" at Oxford, in the first year of his majesty's reign;
" and reproached his majesty with the fruitless
" voyage to Cadiz, at his first coming to the crown;
" the loss of Rochelle, by first suppressing their
" fleet with his own royal ships, by which the pro-
" testant religion in France infinitely suffered; the

" making a war with France precipitately, and a " peace with Spain, without their consent, and so " deserting the cause of the palatinate; and with a " design to bring in German horse, to force the " kingdom, by rigour, to submit to such arbitrary " contributions, as should be required of them."

They remembered him " of charging the king- " dom by billeting of soldiers, and by raising coat " and conduct money for those soldiers, in the se- " cond and third years of his reign; of his dissolv- " ing the parliament in his second year, after their " declaration of an intent to grant five subsidies; " and the exacting those five subsidies afterwards " by a commission of loan; upon the refusal " whereof, divers gentlemen and others were im- " prisoned, whereof some died, by the diseases " they contracted in that imprisonment; of great " sums raised by privy-seals; and of an attempt to " set the excise on foot."

They remembered " the dissolution of the par- " liament in the fourth year of his reign, and the " untrue and scandalous declarations thereupon; " the imprisoning divers members of that parlia- " ment after the dissolution, and detaining them " close prisoners for words spoken in parliament; " sentencing and fining them for those words; one " of which died in prison, for want of ordinary " refreshment, whose blood (they said) still cried " for vengeance."

They reproached his majesty " with injustice, " oppression, and violence, which, after the breach " of that parliament, broke in upon them, without " any restraint or moderation; with the great sums " of money he had exacted throughout the king-

" dom for default of knighthood, in the fourth " year of his reign; with the receiving tonnage " and poundage from the death of king James; " and raising the book of rates, and laying new " impositions upon trade; with the enlargement of " forests, and compositions thereupon; the engross- " ing gunpowder, and suffering none to buy it " without license; with all the most odious mo- " nopolies of soap, wine, salt, leather, sea-coal, " and the rest," (which had been granted from his majesty's first coming to the crown, and some of them before,) " with the new tax of ship-money, " and the ill-guarding the seas, and leaving the " merchant naked to the violence of the Turkish " pirates, notwithstanding that extraordinary and " extravagant supply; with the vexations upon " pretence of nuisances in building, and thereupon " raising great sums of money for licenses to " build; and of depopulation, that men might pay " fines to continue the same misdemeanour; with " the seizing the merchants' money in the mint; " and an abominable project of making brass " money."

They repeated " the extravagant censures of the " star-chamber, whereby the subject had been op- " pressed by fines, imprisonments, stigmatizings, " mutilations, whippings, pillories, gags, confine- " ments, banishments; the severe and illegal pro- " ceedings of the council-table, and other new- " erected judicatories; and the suspensions, ex- " communications, and deprivations of learned and " pious ministers, by the high commission court; " which grew to that excess of sharpness and

" severity, that they said it was not much less " than the Romish inquisition."

They reproached the king " with the liturgy and " canons sent into Scotland, as an attempt upon " the protestant religion; with the forcing that " nation to raise an army in their own defence, " and raising an army against them; with the " pacification, and breach of that pacification; that " he called a parliament after, in hope to corrupt " it, and make it countenance the war with Scot- " land; which when he found it would not do, he " dissolved it, and then committed members to " prison; and compelled men to lend money " against their wills; and imprisoned such as re- " fused."

They mentioned " the synod held by the bishops " after the end of the parliament, and the canons " and oath made by them; the raising the armies, " here and in Ireland, against the Scots; and the " liberal collection and contribution from the " clergy, and the catholics, towards that war; all " the favours that had been done to the papists; " the reception and entertainment of seignior Con, " and the comte Rozetti, by the queen, from " Rome; and some ministers sent by her majesty " thither."

In a word, they left not any error or misfortune in government, or any passionate exercise of power, unmentioned and unpressed; with the sharpest and most pathetical expressions to affect the people, that the general observation of the wisest, or the particular animosity of the most disobliged, or ill-affected person, could suggest, to the disadvantage

of the king, from the death of his father, to the unhappy beginning of the present parliament.

Then they magnified their own services: "that "having found the kingdom groaning under these "difficulties, which seemed to be insuperable, they "had, by the Divine Providence, overcome them "all; that they [had] abolished ship-money, and "all monopolies; and (which was the root of all "those evils) had taken away that arbitrary power "of taxing the subject, which was pretended to be "in the king: that the living grievances, the evil "counsellors, were so quelled, by the justice done "upon the earl of Strafford; the flight of the lord "Finch, and secretary Windebank; the accusa-"tion and imprisonment of the archbishop of Can-"terbury, and other delinquents; that it was not "like to be only an ease to the present times, but a "preservation to the future."

[They] reckoned "all the good laws, and the "benefit the people received by those laws; spake "of many good designs they had for the good of "the kingdom:" but then complained "of oppo-"sitions, and obstructions, and difficulties, with "which they were encountered, and which still lay "in their way, with some strength, and much ob-"stinacy; that there was a malignant party took "heart again, that preferred some of their own "agents and factors to degrees of honour, and to "places of trust and employment. That they had "endeavoured to work in his majesty ill impres-"sions and opinions of their proceedings; as if "they had done altogether their own work, and "not his; and had obtained many things from him "prejudicial to the crown, in respect of preroga-

" tive and profit. To wipe out which slander, " they said, all they had done was for his majesty, " his greatness, honour, and support: that, when " they gave five and twenty thousand pounds a " month, for the relief of the northern counties, " in the support of the Scottish army, it was given " to the king, for that he was bound to protect his " subjects; and that, when they undertook the " charge of the army, which cost above fifty thou- " sand pounds a month, it was given to the king, " for that it was his majesty's army, and the com- " manders and soldiers under contract with him; " and that, when they undertook to pay their " brethren of Scotland three hundred thousand " pounds, it was to repair the damages and losses " they had sustained by his majesty and his mi- " nisters; and that these particulars amounted to " above eleven hundred thousand pounds."

Then they negligently and perfunctorily passed over his majesty's graces and favours, " as being " little more than in justice he was obliged to " grant, and of inconsiderable loss and damage to " himself; and promised the good people shortly " ease in the matter of protections, (by which the " debts from parliament-men, and their followers, " and dependents, were not recoverable,) and " speedily to pass a bill to that purpose."

Then they inveighed against the malignant party, that had sought "to cause jealousies be- " tween them and their brethren of Scotland; and " that had such a party of bishops and popish " lords in the house of peers, as hindered the pro- " ceedings of divers good bills, passed in the " commons' house, concerning sundry great abuses

" and corruptions both in church and state," (when, at that time, the house of peers had only refused to concur with them in two bills, that of the protestation; and, the taking away the votes of bishops out of the house of peers,) " that had " attempted to disaffect and discontent his majesty's " late army, and to bring it up against the parlia- " ment, and city of London; that had raised the " rebellion in Ireland; and, if not by their wisdom " prevented, had brought the like misery and con- " fusion in this kingdom."

Then they declared, " that they meant to have a " general synod of the most grave, pious, learned, " and judicious divines of this island;" (when at that time there was not one orthodox divine of England in reputation with them;) " assisted by some " from foreign parts, professing the same religion, " who should consider of all things necessary for " the peace and good government of the church; " and present the result of their consultations to " the parliament, to be there allowed and con- " firmed: that they would provide a competent " maintenance for conscientious and preaching " ministers throughout the kingdom: that they " intended to reform and purge the fountains of " learning, the two universities; that the streams " flowing from thence might be clear and pure, " and an honour and comfort to the whole land: " that his majesty should be petitioned by both " houses, to employ such counsellors, ambassadors, " and other ministers, in managing his business at " home and abroad, as the parliament might have " cause to confide in; without which, they could " not give his majesty such supplies for his own

" support, or such assistance for the protestant " party beyond the seas, as was desired."

Withal they declared, " that the commons might " have cause, often, justly to take exceptions at " some men for being counsellors, and yet not " charge those men with crimes; for that there are " grounds of diffidence, which lie not in proof; and " others, which though they may be proved, yet are " not legally criminal; as to be a known favourer " of papists; or to have been very forward in " defending or countenancing some great offenders, " questioned in parliament; or to speak contemptu- " ously of either house of parliament, or parlia- " mentary proceedings; or such as are suspected " to get counsellors' places, or any other of trust " concerning public employment, for money: that " all good courses may be taken, to unite the two " kingdoms of England and Scotland; to be mutu- " ally aiding and assisting one another, for the " common good of the island, and the honour of " both:" with some other particulars of this nature.

I know not how those men have already answered it to their own consciences; or how they will answer it to Him who can discern their consciences; who, having assumed their country's trust, and, it may be, with great earnestness laboured to procure that trust, by their supine laziness, negligence, and absence, were the first inlets to these inundations; and so contributed to those licenses which have overwhelmed us. For, by this means, a handful of men, much inferior in the beginning, in number and interest, came to give laws to the major part; and to shew that three diligent persons are a

greater number in arithmetic, as well as a more significant number in logic, than ten unconcerned, they, by plurality of voices, in the end, converted or reduced the whole body to their opinions. It is true, men of activity and faction, in any design, have many advantages, that a composed and settled council, though industrious enough, usually have not; and some, that gallant men cannot give themselves leave to entertain: for, besides their through considering and forming their counsels before they begin to execute them, they contract a habit of ill nature and uningenuity necessary to their affairs, and the temper of those upon whom they are to work, that liberal-minded men would not persuade themselves to entertain, even for the prevention of all the mischief the others intend. And whosoever observed the ill arts, [by which] these men used to prevail upon the people in general; their absurd, ridiculous lying, to win the affections, and corrupt the understandings, of the weak; and the bold scandals, to confirm the wilful; the boundless promises they presented to the ambitious; and their gross, abject flatteries, and applications, to the vulgar-spirited; would hardly give himself leave to use those weapons, for the preservation of the three kingdoms.

The king besides had at that time a greater disadvantage (besides the concurrence of ill and extraordinary accidents) than himself, or any of his progenitors, had ever had before; having no servant of the house of commons, of interest, ability, and reputation, and of faithfulness and affection to his service: sir Thomas Jermyn, who was very honest to him, and of good abilities, through his

indisposition of health, and trouble of mind for his son's misfortune, having left the house, and the court, and being retired into the country; and sir Harry Vane (who was the other only privy-counsellor) having committed those faults to the king, he knew could not be forgiven; and those faults to the country, could not be forgotten; gave himself entirely to the disposition of his new masters: and Mr. Saint-John, who at the beginning was made his solicitor general, [and] thereby had obliged himself, by a particular oath, "to defend his majesty's "rights, and in no case to be of counsel, or give "advice, to the prejudice of the king, and the "crown;" was the chief instrument to devise and contrive all the propositions and acts of undutifulness towards him. So that, whilst these men, and their consorts, with the greatest deliberation, consulted, and disposed themselves to compass confusion; they, who out of the most abstracted sense of loyalty to the king, and duty to their country, severed from any relations to the king, or hopes from the court, preserved their own innocence, and endeavoured to uphold the good old frame of government, received neither countenance nor conduct from those who were naturally to have taken care of that province. And sure the raging and fanatic distempers of the house of commons (to which all other distempers are to be imputed) must most properly be attributed to the want of good ministers of the crown in that assembly, who being unawed by any guilt of their own, could have watched other men's; and informed, encouraged, and governed those, who stood well inclined to the public peace.

To which purpose, if that stratagem (though none of the best) of winning men by places, had been practised, as soon as the resolution was taken at York to call a parliament, (in which, it was apparent, dangerous attempts would be made; and that the court could not be able to resist those attempts,) and if Mr. Pym, Mr. Hambden, and Mr. Hollis, had been then preferred with Mr. Saint-John, before they were desperately embarked in their desperate designs, and had innocence enough about them, to trust the king, and be trusted by him; having yet contracted no personal animosities against him; it is very possible, that they might either have been made instruments to have done good service; or at least been restrained from endeavouring to subvert the royal building, for supporting whereof they were placed as principal pillars.

But the rule the king gave himself, (very reasonable at another time,) that they should first do service, and compass this or that thing for him, before they should receive favour, was then very unseasonable: since, besides that they could not in truth do him that service without the qualification, it could not be expected they would desert that side, by the power of which they were sure to make themselves considerable, without an unquestionable mark of interest in the other, by which they were to keep up their power and reputation: and so, whilst the king expected they should manifest their inclinations to his service, by their temper and moderation in those proceedings that most offended him; and they endeavoured, by doing all the hurt they could, to make evident the power they had to

do him good; he grew so far disobliged and provoked, that he could not in honour gratify them; and they so obnoxious and guilty, that they could not think themselves secure in his favour: and thence, according to the policy and method of injustice, combined to oppress that power they had injured; and to raise a security for themselves, by disenabling the king to question their transgressions.

Notwithstanding all these contrivances to lessen the reputation of the court, (to which many other particulars contributed, which will be touched upon,) the city of London made great preparations to receive the king. Gourney, the lord mayor, was a man of wisdom and courage, and who expressed great indignation, to see the city so corrupted, by the ill artifices of factious persons; and therefore attended upon his majesty, at his entrance into the city, with all the lustre and good countenance it could shew; and as great professions of duty as it could make, or the king expect. And on Thursday, the five and twentieth of November, the king entered into London; where he was received with the greatest acclamations of joy, that had been known upon any occasion; and after a most magnificent entertainment, by sir Richard Gourney, lord mayor, at the guildhall; where the king, queen, prince, and the whole court of lords and ladies, were feasted; he was attended by the whole city to Whitehall, where he lodged that night; when the earl of Essex resigned his commission of general on this side Trent; which had been granted for the security of the kingdom, at his majesty's going into the north.

The next day, the king went to Hampton-court; and as soon as he came thither, took away the seals from sir Henry Vane, (having before taken his staff of treasurer [of the household] from him, and conferred it upon the lord Savile, in lieu of the presidentship of the north; which he should have had, if both houses had not declared that commission to be illegal;) then he appointed the guards that were kept at Westminster, for the security of the two houses, ever since the news out of Scotland, to be dismissed; and shortly after published a proclamation, "for obedience to be given to the laws "established, for the exercise of religion."

These proceedings of his majesty much troubled them; and the entertainment given to him by the city of London, in which their entire confidence was, much dejected them; and made them apprehend, their friends there were not so powerful as they expected. However, they seemed to abate nothing of their mettle; and, shortly after his return, resolved to present their remonstrance, lately framed, to him, together with a petition; in which they complained "of a malignant party, "which prevailed so far, as to bring divers of their "instruments to be of his privy-council; and in "other employments of trust and nearness about "his majesty, the prince, and the rest of his chil-"dren: to which malignant party, amongst other "wickedness, they imputed the insurrection of the "papists in Ireland; and therefore, for the sup-"pressing that wicked and malignant party, they "besought his majesty, that he would concur with "his people, in a parliamentary way, for the depriv-

" ing the bishops of their votes in parliament," (when at that time the bill to that purpose had not passed the house of peers,) " and abridging their " immoderate power over the clergy: [and] for " the removing unnecessary ceremonies, by which " divers weak consciences had been scrupled; that " he would remove from his council such persons " as persisted to favour any of those pressures " wherewith the people had been grieved; and " that he would for the future employ such per- " sons in the public affairs, and take such to be " near him in places of trust, as his parliament " might have cause to confide in; and that he " would reject and refuse all mediation and solici- " tation to the contrary, how powerful and near " soever; that he would forbear to alienate any of " the forfeited and escheated lands in Ireland, " which should accrue to the crown, by reason of " this rebellion. Which desires of theirs being " graciously fulfilled by his majesty, (they said,) " they would apply themselves to such courses and " counsels, as should support his royal estate with " honour and plenty at home, with power and repu- " tation abroad; and by their loyal affection and " service lay a sure and lasting foundation of the " greatness and prosperity of his majesty, and his " royal posterity in future times."

This petition, together with the remonstrance, was presented at Hampton-court, on the first day of December; and within few days after, both the petition and remonstrance were by order printed, and with great industry published throughout the kingdom. Albeit the king, at the receipt thereof,

desired and forbade them to publish either, till he should send his answer: which he did shortly after, expressing,

"How sensible he was of that disrespect: repre-
" hending them for the unparliamentariness of their
" remonstrance; in point whereof," he said, "he
" would reserve himself to take such course, as he
" should think fit, in prudence and honour." But to their petition, he told them, "that if they would
" make that wicked and malignant party, whereof
" they complained, known to his majesty, he would
" be as ready to suppress and punish it, as they
" could be to complain; that by those counsellors,
" whom he had exposed to trial, he had given suffi-
" cient testimony, that there was no man so near
" unto him, in place or affection, whom he would
" not leave to the justice of the law, if they should
" bring sufficient proofs, and a particular charge
" against him: in the mean time, he wished them
" to forbear such general aspersions, as, since they
" named none in particular, might reflect upon all
" his council; that, for the choice of his counsel-
" lors, and ministers of state, it was the natural
" liberty all freemen have, and the undoubted
" right of the crown, to call such to his secret
" council, and public employment, as he should
" think fit; yet he would be careful to make elec-
" tion of such, as should have given good testimo-
" nies of their abilities and integrity, and against
" whom there [could] be no just cause of excep-
" tion; that for the depriving the bishops of their
" votes in parliament, they should consider, that
" their right was grounded upon the fundamental

" law of the kingdom, and constitution of parliament."

" For what concerned religion, church govern-
" ment, and the removing unnecessary ceremonies,
" if the parliament should advise him to call a na-
" tional synod, he should consider of it, and give
" them due satisfaction therein; declaring his reso-
" lution to maintain the doctrine and discipline
" established by law, as well against all invasions of
" popery, as from the irreverence of schismatics
" and separatists; wherewith, of late, this king-
" dom and this city abounds, to the great dishonour
" and hazard both of church and state; for the
" suppression of whom, his majesty required their
" timely and active assistance.

" To their desire concerning Ireland, he told
" them, he much doubted whether it were season-
" able to declare resolutions of that nature, before
" the events of the war were seen: however, he
" thanked them for their advice; and conjured
" them to use all possible diligence and expedition
" in advancing the supplies thither; the insolence
" and cruelty of the rebels daily increasing."

The graciousness and temper of this answer made no impression on them; but they proceeded in their usual manner; framing and encouraging, underhand, those whispers, by which the rebellion in Ireland might be understood to receive some extraordinary countenance from the court of England, the scandal whereof, they knew, would quickly fall upon the queen.

And the diligence and dexterity of the lord mayor caused an address to be prepared to his majesty

from the court of aldermen; which was sent by the two sheriffs, and two others of that body; by which "his majesty was humbly desired to reside at "Whitehall:" which angered the governing party as much as the ceremonious reception had done. The petition was graciously received; all the aldermen knighted; and the court, within a day or two, removed to Whitehall.

The letters out of Ireland were very importunate for relief, of men, money, and provisions; the rebels very much increasing, and taking courage, from the slow proceeding here for their suppression: which indeed was not advanced equal to men's expectations; though the king, upon his first coming to the houses after his return from Scotland, with great earnestness recommended it to them. Only the propositions made from Scotland, "for the "sending ten thousand men from thence into Ulster, "to be paid by the parliament," were consented to; whereby some soldiers were despatched thither, to defend their own plantation; and did in truth, at our charge, as much oppress the English that were there, as the rebels could have done; and had upon the matter the sole government of that province committed to them, the chief towns and garrisons, which were kept by English, being delivered into their hands. The lieutenant himself, the earl of Leicester, (who was now grown gracious to the managers,) made not that haste to his charge some men thought necessary; pretending "that the re-"bels had yet some apprehensions and terror of his "coming thither with great forces, and provisions "of all kinds; but that if they should hear he were "landed, with so small a strength as was yet raised,

" and in no better equipage than he was yet able " to go in, they would take courage and would " oppress him, before more succours could come; " by reason, that those who yet stood upon their " guard, and publicly sided not with the rebels, " (till, by the resistance and opposition they found " prepared for them, they might guess who was like " to prevail,) would then freely declare, and join " with the rest."

The slow levies of men was imputed to the difficulty of getting volunteers; their numbers, who had commissions, upon beating their drums, rising very inconsiderably: and therefore they prepared a bill for pressing; which quickly passed the commons' house, and was sent up to the lords. It cannot be supposed, that there could be then a scarcity of men, or that it could be hard, within three months after the disbanding the northern army, to gather together as many men as they had occasion to use: but their business was to get power, not men; and therefore this stratagem was used, to transfer the power of impressing men from the king to themselves; and to get the king, that he might be now able to raise men for Ireland, to disenable himself from pressing upon any other occasion. For, in the preamble of this bill, which they sent up to the lords, (as they had done before in the first act for tonnage and poundage,) they declared, " that the king had in no case, or upon " any occasion, but the invasion from a foreign " power, authority to press the freeborn subject; " which could not consist with the freedom and " liberty of his person."

This doctrine was new to the lords, and contrary

to the usage and custom of all times; and seemed a great diminution of that regal power, which was necessary for the preservation of his own subjects, and assistance of his allies; which in many cases he was bound to yield. And the attorney general took the courage "to desire the lords," (as he should often have done in other cases,) "that he "might be heard on the king's behalf, before they "consented to a clause so prejudicial to the king's "prerogative." This necessary stop was no sooner made, than the commons laid aside the consideration of Ireland; ordered their committee "to meet "no more about that business;" the levies, which were then making of volunteers, stood still; and they declared, "that the loss of Ireland must be "imputed to the lords." On the other side, the lords too well understood that logic, to be moved by it; and were rather sensible of the inconveniences they had incurred by their former compliance, than inclined to repeat the same error.

In the mean time, letters came every day from Ireland, passionately bemoaning their condition; and multitudes of men, women, and children, who were despoiled of their estates, and forced into this kingdom for want of bread, spake more lamentably than the letters. In this strait, they knew not what to do; for whatever discourse they pleased themselves with, concerning the lords, it was evident the fault would lie at their own doors; besides that, his majesty might take that occasion, to take the whole business out of their hands, and manage it himself by his council; which would both lessen their reputation and interest, and indeed defeat much that they had projected.

Hereupon, Mr. Saint-John, the king's solicitor, (a man that might be trusted in every company,) went privately to his majesty; and seemed to him much troubled "at the interruption given by the "commons; and to consent, that the preamble was "unreasonable, and ought to be insisted [against] "by the lords, on the behalf of his majesty's pre-"rogative: however, he told him, since he thought "it impossible to rectify the commons in their "understandings, it would be a great blessing to "his majesty, if he could offer an expedient to "remove that rub, which must prove fatal to Ire-"land in a short time; and might grow to such a "disunion between the two houses, as might much "cloud the happiness of this kingdom; and, un-"doubtedly, could not but have a very popular "influence upon both, when both sides would be "forwarder to acknowledge his majesty's great "wisdom and piety, than they could be now made "to retract any thing that was erroneous in them-"selves:" and then "advised him to come to the "houses; and to express his princely zeal for the "relief of Ireland; and taking notice of the bill for "pressing, depending with the lords, and the dis-"pute raised, concerning that ancient and un-"doubted prerogative, to avoid further debate, to "offer, that the bill should pass with a *salvo jure*, "both for the king and people; leaving such "debates to a time that might better bear it."

Which advice his majesty followed; and coming to the house, said the very words he had proposed to him. But now their business was done, (which truly, I think, no other way could have been compassed,) the divided lords and commons presently

unite themselves in a petition to the king; "acknow-
" ledging his royal favour and protection to be a
" great blessing and security to them, for the enjoy-
" ing and preserving all those private and public
" liberties and privileges which belong unto them;
" and whensoever any of those liberties or privileges
" should be invaded, they were bound, with humi-
" lity and confidence, to resort to his princely jus-
" tice for redress and satisfaction; because the
" rights and privileges of parliament were the birth-
" right and inheritance, not only of themselves, but
" of the whole kingdom, wherein every one of his
" subjects was interested: that amongst the privi-
" leges of parliament, it was their ancient and un-
" doubted right, that his majesty ought not to take
" notice of any matter in agitation and debate, in
" either house of parliament, but by their informa-
" tion and agreement; and that his majesty ought
" not to propound any condition, provision, or limit-
" ation, to any bill, or act, in debate or preparation,
" in either house of parliament; or to declare his
" consent or dissent, his approbation or dislike, of
" the same, before it be presented to him in due
" course of parliament. They declared, that all
" those privileges had been lately broken, to their
" great sorrow and grief, in that speech which his
" majesty had made to them; wherein he took
" notice of a bill for pressing of soldiers, not yet
" agreed upon; and offered a *salvo jure*, and pro-
" visional clause, to be added to it, before it was
" presented to him: and therefore they besought
" him, by his royal power to protect them, in those
" and the other privileges of his high court of par-
" liament; and that he would not, for the time to

" come, break or interrupt them; and that, for the " reparation of them in that their grievance and " complaint, he would declare and make known the " name of such person, by whose misinformation, " and evil counsel, his majesty was induced to the " same, that he might receive condign punishment. " And this they did desire, and, as his greatest and " most faithful council, did advise his majesty to " perform, as a great advantage to him, by pro- " curing and confirming a confidence and unity " betwixt his majesty and his people," &c.

And having delivered this petition, they no more considered Ireland, till this manifest breach should be repaired; which they resolved nothing should do, but the passing the bill: and therefore, when the king offered them, by a message sent by the earl of Essex, " that he would take care, by com- " missions which he would grant, that ten thousand " English volunteers should be speedily raised for " the service of Ireland, if the houses would declare " that they would pay them;" the overture was wholly rejected; they neither being willing that such a body of men should be raised by the king's direction, (which would probably be more at his devotion than they desired,) nor in any other way than they proposed: and so in the end (after other ill accidents intervening, which will be remembered in order) he was compelled to pass the bill for pressing, which they had prepared.

However, for all this, and the better, it may be, for all this, the king, upon his arrival at Whitehall, found both his houses of parliament of a much better temper than they had been; many having great indignation to see his majesty so ill treated by his

own servants, and those who were most obliged to his bounty and magnificence; and likewise to discern how much ambition and private interest was covered under public pretences. They who were in truth zealous for the preservation of the law, the religion, and true interest of the nation, were solicitous to preserve the king's honour from any indignity, and his regal power from violation; and so always opposed those who trenched upon either, and who could compass their ends by no other means than by trampling upon both. So that, in truth, that which was called the king's party, in both houses, was made up of persons who were strangers, or without any obligation, to the court; of the best fortunes, and the best reputation, in their several countries where they were known; as having always appeared very zealous in the maintenance of their just rights, and opposed, as much as in them lay, all illegal and grievous impositions: whilst his own privy-council, (two or three only excepted,) and much the greater number of all his own servants, either publicly opposed, or privately betrayed him; and so much the more virulently abhorred all those who now appeared to carry on his service, because they presumed to undertake, at least to endeavour, (for they undertook nothing, nor looked for any thanks for their labour,) to do that which they ought to have done; and so they were upon this disadvantage, that whenever they pressed any thing in the house, which seemed immediately to advance the king's power and authority, some of the king's council, or his servants, most opposed it, under the notion "of being pre-"judicial to the king's interest:" whilst they who

had used to govern and impose upon the house, made show of being more modest, and yet were more silent [insolent]; and endeavoured, by setting new counsels on foot, to entangle, and engage, and indeed to overreach the house; by cozening them into opinions which might hereafter be applicable to their ends, rather than to pursue their old designs, in hope to obtain in the end a success by their authority. The night of the remonstrance had humbled them in that point: and from that time, they rather contrived ways to silence those who opposed them, by traducing them abroad, and taking any advantage against them in the house, for any expressions they used in debate which might be misinterpreted; and so calling them to the bar, or committing them to the Tower: which did in truth strike such a terror into the minds of many, that they forbore to come to the house, rather than expose themselves to many uneasinesses there.

There was at this time, or thereabout, a debate started in the house, as if by mere chance, which produced many inconveniences after; and, if there had not been too many concurrent causes, might be thought the sole cause and ground of all the mischiefs which ensued. Upon some report, or discourse of some accident, which had happened upon or in the disbanding the late army, an obscure member moved, "That the house would enter upon "the consideration, whether the militia of the king-"dom was so settled by law, that a sudden force, "or army, could be drawn together, for the defence "of the kingdom, if it should be invaded, or to "suppress an insurrection or rebellion, if it should "be attempted."

The house kept a long silence after the motion, the newness of it amusing most men, and few in truth understanding the meaning of it; until one and another of the members, who were least taken notice of, seeming to be moved by the weight of what had been said, enlarged upon the same argument: and in the end it was proposed, "That a "committee might be appointed, to consider of "the present state of the militia, and the power of "it; and to prepare such a bill for the settling it, "as might provide for the public peace, and for "the suppressing any foreign enemy, or domestic "insurrection."

And hereupon they were inclined to nominate a committee, to prepare such a bill as should be thought necessary: upon which Mr. Hyde spake against the making any such committee; said, "There could be no doubt, that the power of the "militia resided in the king, in whom the right of "making war and peace was invested; that there "had never yet appeared any defect of power, by "which the kingdom had been in danger, and we "might reasonably expect the same security for the "future." With which the house seemed well satisfied and composed, and inclined to resume some other debate, until Saint-John, who was then the king's solicitor, and the only man in the house of his learned council, stood up, and said, "He could "not suffer that debate, in which there had been "so many weighty particularities mentioned, to be "discontinued without some resolution: that he "would be very glad there were that power in the "king, (whose rights he was bound to defend,) as

" the gentleman who spake last seemed to imagine; " which, for his part, he knew there was not; that " the question was not about taking any power from " the king, which was vested in him, (which was " his duty always to oppose,) but to inquire, whe- " ther there be such a power in him, or any where " else, as is necessary for the preservation of the " king and the people, in many cases that may fall " out; and if there be not, then to supply him with " that power and authority;" and he said, " he did " take upon him with confidence to say, that " there was a defect of such power and authority:" he put them in mind, " how that power had been " executed in the age in which we live; that the " crown had granted commissions to great men, to " be lord lieutenants of counties; and they to gen- " tlemen of quality, to be their deputy lieutenants; " and to colonels, and other officers, to conduct and " list soldiers; and then he wished them to consi- " der, what votes they had passed, of the illegality " of all those commissions, and the unjustifiableness " of all the proceedings which had [been] by virtue " of those commissions; so that let the occasion or " necessity be what it would, he did presume, no " man would hereafter execute any such commis- " sion; and if there were any men so hardy, that " nobody would obey them; and therefore desired " them to consider, whether there be not a defect " of power, and whether it ought not to be supplied."

It was now evident enough, that the debate had not begun by chance, but had been fully deliberated; and what use they would make, upon occasions, of those volumes of votes, they had often poured out

upon all accidental debates; and no man durst take upon him to answer all that had been alleged, by saying, all those votes were of no validity; and that the king's right was, and would be, judged the same it had been before, notwithstanding those votes; which is very true: but this being urged by the king's own solicitor, they appointed him "to "bring in and prepare such a bill as he thought "necessary;" few men imagining that such a sworn officer would not be very careful and tender of all his master's prerogatives, which he was expressly sworn to defend.

Within few days after, he brought in a very short bill, in which was mentioned by way of preface, "That the power over the militia of the kingdom "was not settled in any such manner, that the se-"curity of the kingdom was provided for, in case "of invasion or insurrection, or such like acci-"dents;" and then an enacting clause, "That "henceforward the militia, and all the power there-"of, should be vested in——&c." and then a large blank left for inserting names; and afterwards, the "absolute authority to execute——&c." The ill meaning whereof was easily understood; and with some warmth pressed, "That by this bill all the "power would be taken out of the crown, and put "into the hands of commissioners." To which the solicitor made answer, "That the bill took no "power from any body who had it, but was pro-"vided to give power where it was not; nor was "there mention of any commissioners; but a blank "was therefore left, that the house might fill it up "as they thought fit, and put the power into such "hands as they thought proper; which, for aught

" he knew, might be the king's ; and he hoped it " would be so."

And with this answer the bill was received, notwithstanding all opposition, and read; all those persons who had formerly been deputy lieutenants, and lay under the terror of that vote, presuming, that this settlement would provide for the indemnity of all that had passed before; and the rest, who might still be exposed to the same hazards, if they should be required to act upon the like occasions, concurring in the desire, that somewhat might be done for a general security; and they who had contrived it, were well enough contented that it was once read; not desiring to prosecute it, till some more favourable conjuncture should be offered: and so it rested.

About this time, the king not being well satisfied in the affection or fidelity of sir William Balfour, whom he had some years before, to the great and general scandal, and offence of the English nation, made lieutenant of the Tower; and finding that the seditious preachers every day prevailed in the city of London, and corrupted the affections and loyalty of the meaner people towards the government of church and state; resolved to put that place (which was looked upon as a bridle upon the city) into the hands of such a man upon whom he might rely: and yet, he was willing to be quit of the other, without any act of disobligation upon him; and therefore gave him three thousand pounds, ready money, which was raised by the sale of some of the queen's own jewels: and immediately caused colonel Lunsford to be sworn in his place, lieutenant of the Tower.

This was no sooner known, than the house of commons found themselves concerned in it; and upon pretence "that so excellent a person as sir "William Balfour" (who in truth was very gracious to them, for the safe keeping the earl of Strafford) "could not be removed from that charge, but upon "some eminent design against the city and the "kingdom; and that the man who was appointed "for his successor was a person of great license, "and known only by some desperate acts; for "which he had been formerly imprisoned by the "state, and having made his escape, fled the king-"dom: they desired the lords to join with them in "a petition to the king, to put the Tower into "better hands;" making such arguments against the person of the man, as before spoken of. The lords replied to them, "That it was an argument "of that nature, they thought not themselves com-"petent advisers in it; the custody of the Tower "being solely at the king's disposal, who was only "to judge of the fitness of the person for such a "charge." But at the same time that they refused to join in a public desire to the king, they caused privately advice to be given to him, "that he "should make choice of a fitter person, against "whom no exceptions could be made." For indeed sir Thomas Lunsford was not then known enough, and of reputation equal to so envious a province; and thereupon, within two or three days at most, he resigned the place, and the king constituted sir John Byron in the place.

This gave them no satisfaction in the change, since it had no reference to their recommendation; which they only looked after: but it gave them

great delight, to see that the king's counsels were not so fixed, but their clamour might alter them; and that doing hurt, being as desirable a degree of power [to some men] as doing good, and likely to gain them more proselytes, they had marred a man, though they could not make one. And without doubt, it was of great disadvantage to the king, that that counsel had not been formed with such deliberation, that there would need no alteration; which could not be made, without a kind of recognition.

All this time the bill depended in the lords' house, "for the taking away the votes of bishops, "and removing them from the house of peers;" which was not like to make a more prosperous progress there, than it had six months before; it being evident, that the jurisdiction of the peerage was invaded by the commons; and therefore, that it was not reasonable to part with any of their supporters. But the virulence against them still increased; and no churches frequented, but where they were preached against, as antichristian; the presses swelled with the most virulent invectives against them; and a sermon was preached at Westminster, and afterwards printed, under the title of *The Protestation Protested*, by the infamous Burton, whereby he declared, "That all men were obliged "by their late protestation, by what means soever, "to remove both bishops and the common prayer "book out of the church of England, as impious "and papistical:" whilst all the learned and orthodox divines of England were looked upon under the notion of scandalous ministers; and if the meanest and most vicious parishioner they had

could be brought to prefer a petition against either of them to the house of commons, (how false soever,) he was sure to be prosecuted as such.

In the end, a petition was published, in the name "of the apprentices, and those whose apprentice-"ships were lately expired," in and about the city of London; and directed, "To the king's most ex-"cellent majesty in the parliament now assembled; "shewing, That they found by experience, both by "their own and masters' tradings, the beginning of "great mischiefs coming upon them, to nip them "in the bud, when they were first entering into the "world; the cause of which they could attribute to "no others but the papists, and the prelates, and "that malignant party which adhered to them: "that they stood solemnly engaged, with their "utmost of their lives and fortunes, to defend his "sacred majesty and royal issue, together with the "rights and liberties of parliaments, against pa-"pists, and popish innovators; such as archbishops, "bishops, and their dependents, appear to be. They "desired his majesty in parliament to take notice, "that notwithstanding the much unwearied pains "and industry of the house of commons, to sub-"due popery, and popish innovators; neither is "popery yet subdued, nor prelates are yet re-"moved; whereby many had taken encourage-"ments desperately to plot against the peace and "safety of his dominions: witness the most bar-"barous and inhuman cruelties perpetrated by the "papists in Ireland; from whence (they said) a "new spring of fears and jealousies arose in them: "and therefore they desired, that the popish lords, "and other eminent and dangerous papists, in all

" parts of the kingdom, might be looked unto, " and secured; the laws against priests and jesuits " fully executed; and the prelacy rooted up: that " so the work of reformation might be prosperously " carried on; their distracting fears removed; that " the freedom of commerce and trade might pass " on more cheerfully, for the encouragement of the " petitioners," &c.

This, and such stuff, being printed, and scattered amongst the people; multitudes of mean people flocked to Westminster-hall, and about the lords' house; crying, as they went up and down, *No bishops, no bishops,* " that so they might carry on the " reformation."

I said before, that upon the king's return from Scotland, he discharged the guards that attended upon the houses. Whereupon the house of commons (for the lords refused to join with them) petitioned the king, " in regard of the fears they had of " some design from the papists, that they might " continue such a guard about them as they thought " fit."

To which his majesty answered, " That he was " confident they had no just cause of fear; and " that they were as safe as himself and his chil- " dren: but, since they did avow such an apprehen- " sion of danger, that he would appoint a sufficient " guard for them." And thereupon directed the train-bands of Westminster and Middlesex (which consisted of the most substantial householders, and were under known officers) in fit numbers to attend.

This security was not liked; and it was asked, *Quis custodiet ipsos custodes - - -?* And when the

disorderly rabble, spake of now, first came down, they resisted them, and would not suffer them to disturb the houses; and some of them, with great rudeness, pressing to the door of the house of peers, their lordships appointed the guard to be called up to remove them; and the earl of Dorset, being then lord lieutenant of Middlesex, (the crowd oppressing him, and refusing to leave the room,) in some passion, called upon the guard "to give fire upon "them;" whereupon the rabble, frighted, left the place, and hasted away.

The house of commons, much incensed that their friends should be so used, much inveighed against the earl of Dorset; and talked "of accus-"ing him of high treason;" at least, "of drawing "up some impeachment against him;" for some judgment he had been party to in the star-chamber, or council-table: and so giving these hints of their displeasure, that he might have the more care hereafter to carry himself; they concluded, that since they could not have such a guard as pleased them, they would have none at all: and so sent to the lords "for the discharge of the train-bands "that attended:" who willingly consented to it; which was done accordingly: the house of commons declaring, "That it should be lawful for "every member to bring his own servants, to "attend at the door, armed with such weapons as "they thought fit."

It was quickly understood abroad, that the commons liked well the visitations of their neighbours: so that the people assembled in greater numbers than before, about the house of peers; calling still out with one voice, *No bishops, no popish lords;*

crowded and affronted such lords as came near them, and whom they knew affected not their ends, calling them *rotten-hearted lords.*

Hereupon the house of peers desired a conference with the commons; at which they complained of these tumults; and told them, "that such disorders would be an imputation upon the parliament, "and make it be doubted, whether they had freedom; and so might happily become a blemish to "those many good laws they had already passed, as "well as prevent the making more: and therefore "desired them, that they would, for the dignity of "parliaments, join with them in a declaration, for "the suppressing such tumults." This was reported to the commons; and as soon laid aside, "for the handling of other matters of more importance."

The tumults continued; and their insolences increased; insomuch, as many dissolute and profane people went into the abbey at Westminster, and would have pulled down the organs, and some ornaments of the church; but being resisted, and by force driven out, they threatened, "they would "come with greater numbers, and pull down the "church."

Hereupon the lords again sent to the house of commons, to join with them in their declaration; and many members of that house complained, "that "they could not come with safety to the house; "and that some of them had been assaulted, and "very ill entreated, by those people that crowded "about that door." But this could not be procured; the debate being still put off to some other time; after several speeches had been made in jus-

tification of them, and commendation of their affections: some saying, "they must not discourage "their friends, this being a time they must make "use of all friends;" Mr. Pym himself saying, "God forbid the house of commons should proceed, "in any way, to dishearten people to obtain their "just desires in such a way."

In the end, the lords required the advice of the judges, "what course was legally to be taken, to "suppress and prevent those disorders;" and thereupon directed the lord keeper of the great seal, "to "issue out a writ, upon the statute of Northamp-"ton, to the sheriff and justices, to appoint strong "watches in such places as they judged most con-"venient, to hinder that unlawful conflux of people "to Westminster, to the disturbance of their con-"sultations." Which writ issuing accordingly, the justices of the peace, in obedience thereunto, appointed the constables to attend at the water side, and places near about Westminster, with good watches, to hinder that tumultuous resort.

This was no sooner done, than the constables were sent for, and, after the view of their warrants, required to discharge their watches. And then the justices [were] convened, and examined; and albeit it appeared, that what they had done was in pursuance of a legal writ, directed to them under the great seal of England, by the advice of the lords in parliament, without so much as conferring with the lords upon that act of theirs, the setting such a watch was voted to be "a breach of privi-"lege:" and one of the justices of the peace, who, according to his oath, had executed that writ, was committed to the Tower for that offence.

Upon this encouragement, all the factious and schismatical people about the city and suburbs assembled themselves together with great license; and would frequently, as well in the night as the day, convene themselves, by the sound of a bell, or other token, in the fields, or some convenient place, to consult, and receive orders from those by whom they were to be disposed. A meeting of this kind being about the time we speak of in Southwark, in a place where their arms and magazine for that borough was kept; the constable, being a sober man, and known to be an enemy to those acts of sedition, went amongst them, to observe what they did: he was no sooner espied, but he was reproached with disdainful words, beaten and dragged in so barbarous a manner, that he hardly escaped with his life. Complaint was made to the next justices; and oath of the truth of the complaint made: whereupon a writ was directed to the sheriff, to impannel a jury, according to the law, for the inquisition and examination of that riot.

This was complained of in the house of commons, as an act that concerned their privileges: for that it was pretended, "that meeting in South-"wark had been by godly and well affected men, "only to draw up and prepare a petition against "bishops; and that the constable, being a friend "to bishops, came amongst them to cross them, "and to hinder men from subscribing that whole-"some petition." And upon this discourse, without any further examination, an order was made by that house, "that the under-sheriff of Surrey "should be enjoined, not to suffer any proceedings "to be made upon any inquisition, that might con-

" cern any persons who met together to subscribe " a petition to be preferred to that house."

By this, and other means, all obstacles of the law being removed, and the people taught a way to assemble lawfully together, in how tumultuous a manner soever, and the Christmas holidays giving more leave and license to all kind of people, the concourse grew more numerous about Westminster; the people sometimes, in their passage between the city and Westminster, making a stand before Whitehall, and crying out, *No bishops, no bishops, no popish lords*, would say aloud, " that " they would have no more porter's lodge, but " would speak with the king when they pleased:" and, where they came near the two houses, took out papers from their pockets, and getting upon some place higher than the rest, would read the names of several persons, under the title of *disaffected members of the house of commons;* and called many lords, *false, evil,* and *rotten-hearted lords.* But their rage and fury against the bishops grew so high, that they threatened to pull down the lodgings where they lay; offered to force the doors of the abbey at Westminster, which were kept locked many days, and defended by a continual guard within; and assaulted the persons of some of the bishops in their coaches; and laid hands on the archbishop of York, in that manner, that, if he had not been seasonably rescued, it was believed they would have murdered him: so that all the bishops, and many other members, of both houses, withdrew themselves from attending in the houses, out of a real apprehension of endangering their lives.

These insurrections by this means were so countenanced, that no industry or dexterity of the lord mayor of London, sir Richard Gourney, could give any check to it [them]; but, instead thereof, himself (with great and very notable courage opposing all their fanatic humours, both in the court of aldermen, and at the common council) grew to be reckoned in the first form of the *malignants*, (which was the term they imposed upon all those they meant to render odious to the people,) insomuch, as his house was no less threatened and disquieted by the tumults, than the house of lords: and when he apprehended some of those who were most notorious in the riot, and committed them to the custody of both the sheriffs of London in person, to be carried to Newgate, they were, by the power and strength of their companions, rescued from them in Cheapside, and the two sheriffs compelled to shift for their own safety. And when it was offered to be proved, by a member in the house of commons, that the wife of captain Venn, (having received a letter from her husband to that purpose,) who was one of the burgesses for London, and was known himself to lead those men, that came tumultuously down to Westminster, and Whitehall, at the time of the passing the bill of attainder of the earl of Strafford, had with great industry solicited many people to go down with their arms to Westminster, upon a day, (that was named,) when, she said, her husband had sent her word, that in the house of commons they were together by the ears, and that the worser party was like to get the better of the good party; and therefore her husband desired his friends to come with their arms to

Westminster, to help the good party; and that thereupon very many in a short time went thither: they, who offered to make proof of the same, were appointed to attend many days; but, notwithstanding all the importunity that could be used, were never admitted to be heard.

All this time the king (who had been with great solemnity invited from [by] the city of London, and desired to make his residence nearer to them than Hampton-court) was at Whitehall, where, besides his ordinary retinue, and menial servants, many officers of the late disbanded army, who solicited their remainder of pay from the two houses, which was secured to them by act of parliament, and expected some farther employment in the war with Ireland, upon observation, and view of the insolence of the tumults, and the danger, that they might possibly bring to the court, offered themselves for a guard to his majesty's person; and were with more formality and ceremony entertained by him, than, upon a just computation of all distempers, was by many conceived seasonable. And from these officers, warm with indignation at the insolences of that vile rabble, which every day passed by the court, first words of great contempt, and then, those words commonly finding a return of equal scorn, blows were fastened upon some of the most pragmatical of the crew. This was looked upon by the house of commons like a levying war by the king, and much pity expressed by them, that the poor people should be so used, who came to them with petitions, (for some few of them had received some cuts and slashes, that had drawn blood;) and that made a great argument for rein-

forcing their numbers. And from those contestations, the two terms of *roundhead* and *cavalier* grew to be received in discourse, and were afterwards continued for the most succinct distinction of affections throughout the quarrel: they who were looked upon as servants to the king being then called *cavaliers;* and the other of the rabble contemned, and despised, under the names of *roundheads.*

The house of commons being at this time without any member, who, having relation to the king's service, would express any zeal for it, and could take upon him to say to others, whom he would trust, what the king desired, or to whom they who wished well could resort for advice and direction; so that whilst there was a strong conjunction and combination to disturb the government by depraving it, whatever was said or done to support it, was as if it were done by chance, and by the private dictates of the reason of private men; the king resolved to call the lord Falkland, and sir John Colepepper, who was knight of the shire for Kent, to his council; and to make the former secretary of state in the place of Vane, that had been kept vacant; and the latter chancellor of the exchequer, which office the lord Cottington had resigned, that Mr. Pym might be put into that office, when the lord Bedford should have been treasurer, as is mentioned before. They were both of great authority in the house; neither of them of any relation to the court; and therefore what they said made the more impression; and they were frequent speakers. The lord Falkland was wonderfully beloved by all who knew him, as

a man of excellent parts, of a wit so sharp, and a nature so sincere, that nothing could be more lovely. The other was generally esteemed as a good speaker, being a man of an universal understanding, a quick comprehension, a wonderful memory, who commonly spake at the end of the debate; when he would recollect all that had been said of weight on all sides with great exactness, and express his own sense with much clearness, and such an application to the house, that no man more gathered a general concurrence to his opinion than he; which was the more notable, because his person, and manner of speaking, were ungracious enough; so that he prevailed only by the strength of his reason, which was enforced with confidence enough. His infirmities were known only to his nearest friends, or those who were admitted into his most intimate conversation.

The king knew them to be of good esteem in the house, and good affections to his service, and the quiet of the kingdom; and was more easily persuaded to bestow those preferments upon them, than the lord Falkland was to accept that which was designed to him. No man could be more surprised than he was, when the first insinuation was made to him of the king's purpose: he had never proposed any such thing to himself, nor had any veneration for the court, but only such a loyalty to the person of the king as the law required from him. And he had naturally a wonderful reverence for parliaments, as believing them most solicitous for justice, the violation whereof, in the least degree, he could not forgive any mortal power: and it was

only his observation of the uningenuity and want of integrity in this [parliament], which lessened that reverence to it, and which had disposed him to cross and oppose their designs: he was so totally unacquainted with business, and the forms of it, that he did believe really he could not execute the office with any sufficiency. But there were two considerations that made most impression upon him; the one, lest the world should believe, that his own ambition had procured this promotion; and that he had therefore appeared signally in the house to oppose those proceedings, that he might thereby render himself gracious to the court: the other, lest the king should expect such a submission, and resignation of himself, and his own reason, and judgment, to his commands, as he should never give, or pretend to give; for he was so severe an adorer of truth, that he could as easily have given himself leave to steal as to dissemble; or to suffer any man to think that he would do any thing, which he resolved not to do; which he thought a more mischievous kind of lying, than a positive averring what could be most easily contradicted.

It was a very difficult task to Mr. Hyde, who had most credit with him, to persuade him to submit to this purpose of the king cheerfully, and with a just sense of the obligation, by promising, that in those parts of the office, which required most drudgery, he would help him the best he could, and would quickly inform him of all the necessary forms. But, above all, he prevailed with him, by enforcing the ill consequence of his refusal to take the office, which would be interpreted to his dislike of the court, and his opinion, that more would be required from

him than he could honestly comply with, which would bring great prejudice to the king: on the other hand, the great benefit that probably would redound to the king, and the kingdom, by his accepting such a trust in such a general defection, by which he would have opportunity to give the king a truer information of his own condition, and the state of the kingdom, than it might be presumed had been given to him, and to prevent any counsels, or practice, which might more alienate the affections of the people from the government; and then, that by this relation he would be more able to do the king service in the house, where he was too well known to have it believed, that he attained to it by any unworthy means or application. And in the end, he was persuaded to submit to the king's good pleasure, though he could not prevail upon himself to do it with so good a grace, as might raise in the king any notable expectation of his departing from the severity of his own nature.

And so they [he and Colepepper] were both invested in those offices, to the no small displeasure of the governing party, which could not dissemble their indignation, that any of their members should presume to receive those preferments, which they had designed otherwise to have disposed of. They took all opportunities to express their dislike of them, and to oppose any thing they proposed to them. And within few days there came a letter out in print, pretended to be intercepted, as written from a Roman catholic to another of the same profession, in which he gives an account, "That "they had at last, by the interest of their friends,

" procured those two noble persons" (who are mentioned before) " to be preferred to those " offices, and that they were well assured that " they would be ready to do them, and all their " friends, all good offices." Sir John Colepepper thought fit to take notice of it in the house, and to make those professions of his religion, which he thought necessary. But the lord Falkland chose rather to contemn it, without taking any notice of the libel, well knowing that he was superior to those calumnies, as indeed he was; all of that profession knowing that he was most irreconcilable to their doctrine, though he was always civil to their persons. However grievous this preferment was to the angry part of the house, it was very grateful to all those, both within and without the house, who wished well to the king and to the kingdom.

The king at the same time resolved to remove another officer, who did disserve him notoriously, and to prefer Mr. Hyde to that place; with which his gracious intentions his majesty acquainted him; but he positively refused it, and assured him, " That he should be able to do much more service " in the condition he was in, than he should be, if " that were improved by any preferment, that could " be conferred upon him at that time;" and he added, " that he had the honour to have much " friendship with the two persons, who were very " seasonably advanced by his majesty, when his " majesty's service in the house of commons did, in " truth, want some countenance and support; and by " his conversation with them, he should be so well " instructed by them, that he should be more use-

" ful to his majesty, than if he were under a nearer " relation and dependence." The king, with a very gracious countenance, told him, " that he " perceived he must, for some time, defer the " laying any obligation upon him: but bade him " be assured he would find both a proper time, " and a suitable preferment for him, which he " should not refuse. In the mean time, he said, " he knew well the friendship that was between " the two persons, whom he had taken to his " council, and him; which was not the least " motive to him to make that choice; and that he " would depend as much at least upon his advice, " as upon either of theirs; and therefore wished " that all three would confer together, how to " conduct his service in the house, and to advise " his friends how to carry themselves most to the " advantage of it, and to give him constant adver- " tisement of what had passed, and counsel when " it was fit for him to do any thing; and declared, " that he would do nothing, that in any degree " concerned, or related to, his service in the house " of commons, without their joint advice, and " exact communication to them of all his own con- " ceptions;" which, without doubt, his majesty did at that time steadfastly resolve, (though in very few days he did very fatally swerve from it,) and so giving him the liberty to repair to either of their majesties in the same place, whenever he thought fit, he was very graciously dismissed.

By what hath been said before, it appears, that the lord Digby was much trusted by the king, and he was of great familiarity and friendship with the other three, at least with two of them; for he was

not a man of that exactness, as to be in the entire confidence of the lord Falkland, who looked upon his infirmities with more severity than the other two did; and he lived with more frankness towards those two, than he did towards the other: yet between those two there was a free conversation and kindness to each other. He was a man of very extraordinary parts by nature and art, and had surely as good and excellent an education as any man of that age in any country: a graceful and beautiful person; of great eloquence and becomingness in his discourse, (save that sometimes he seemed a little affected,) and of so universal a knowledge, that he never wanted subject for a discourse: he was equal to a very good part in the greatest affair, but the unfittest man alive to conduct it, having an ambition and vanity superior to all his other parts, and a confidence peculiar to himself, which sometimes intoxicated, and transported, and exposed him. He had from his youth, by the disobligations his family had undergone from the duke of Buckingham, and the great men who succeeded him, and some sharp reprehension himself had met with, which obliged him to a country life, contracted a prejudice and ill-will to the court; and so had in the beginning of the parliament engaged himself with that party which discovered most aversion from it, with a passion and animosity equal to their own, and therefore very acceptable to them. But when he was weary of their violent counsels, and withdrew himself from them with some circumstances which enough provoked them, and made a reconciliation, and mutual confidence in each other for the future,

manifestly impossible; he made private and secret offers of his service to the king, to whom, in so general a defection of his servants, it could not but be very agreeable: and so his majesty being satisfied, both in the discoveries he made of what had passed, and in his professions for the future, removed him from the house of commons, where he had rendered himself marvellously ungracious, and called him by writ to the house of peers, where he did visibly advance the king's service, and quickly rendered himself grateful to all those who had not thought too well of him before, when he deserved less; and men were not only pleased with the assistance he gave upon all debates, by his judgment and vivacity, but looked upon him as one, who could derive the king's pleasure to them, and make a lively representation of their good demeanour to the king, which he was very luxuriant in promising to do, and officious enough in doing as much as was just.

He had been instrumental in promoting the three persons above mentioned to the king's favour; and had himself, in truth, so great an esteem of them, that he did very frequently, upon conference together, depart from his own inclinations and opinions, and concurred in theirs; and very few men of so great parts are, upon all occasions, more counsellable than he; so that he would seldom be in danger of running into great errors, if he would communicate and expose all his own thoughts and inclinations to such a disquisition; nor is he uninclinable in his nature to such an entire communication in all things which he conceived to be difficult. But his fatal infirmity is,

that he too often thinks difficult things very easy; and doth not consider possible consequences, when the proposition administers somewhat that is delightful to his fancy, and by pursuing whereof he imagines he shall reap some glory to himself, of which he is immoderately ambitious; so that, if the consultation be upon any action to be done, no man more implicitly enters into that debate, or more cheerfully resigns his own conceptions to a joint determination: but when it is once affirmatively resolved, (besides that he may possibly reserve some impertinent circumstance, as he thinks, the imparting whereof would change the nature of the thing,) if his fancy suggests to him any particular, which himself might perform in that action, upon the imagination that every body would approve it, if it were proposed to them, he chooses rather to do it, than to communicate, that he may have some signal part to himself in the transaction, in which no other person can claim a share.

And by this unhappy temper he did often involve himself in very unprosperous attempts. The king himself was the unfittest person alive to be served by such a counsellor, being too easily inclined to sudden enterprises, and as easily amazed when they were entered upon. And from this unhappy composition in the one, and the other, a very unhappy counsel was entered upon, and resolution taken, without the least communication with either of the three, [who] had been so lately admitted to an entire trust.

The bishops, who were, in this manner [before spoken of, p. 85], driven and kept from the house of

peers, and not very secure in their own, could not have the patience to attend the dissolution of this storm, which in wisdom they ought to have done: but considering right and reason too abstractly, and what in justice was due, not what in prudence was to be expected, suffered themselves implicitly to be guided by the archbishop of York, who was of a proud, restless, overweening spirit, to such an act of indiscretion, and disadvantage to themselves, that all their enemies could not have brought upon them. This bishop, as is said, was a man of a very imperious and fiery temper, Dr. Williams, who had been bishop of Lincoln, and keeper of the great seal of England in the time of king James. After his removal from that charge, he had lived splendidly in his diocese, and made himself very popular amongst those who had no reverence for the court; of which he would frequently, and in the presence of many, speak with too much freedom, and tell many stories of things and persons upon his own former experience; in which, being a man of great pride and vanity, he did not always confine himself to a precise veracity; and did often presume, in those unwary discourses, to mention the person of the king with too little reverence. He did affect to be thought an enemy to the archbishop of Canterbury; whose person he seemed exceedingly to contemn, and to be much displeased with those ceremonies and innovations, as they were then called, which were countenanced by the other; and had himself written and published in his own name, and by his own authority, a book against the using those ceremonies, in which there was much good learning, and too little gravity for

a bishop. His passion and his levity gave every day great advantages to those who did not love him; and he provoked too many, not to have those advantages made use of: so that, after several informations against him in the star-chamber, he was sentenced for no less crimes than for perjury and subornation of perjury, and fined in a great sum of money to the king, and committed prisoner to the Tower, without the pity or compassion of any, but those, who, out of hatred to the government, were sorry that they were without so useful a champion; for he appeared to be a man of a very corrupt nature, whose passions could have transported him into the most unjustifiable actions.

He had a faculty of making relations of things done in his own presence, and discourses made to himself, or in his own hearing, with all the circumstances of answers and replies, and upon arguments of great moment; all which, upon examination, were still found to have nothing in them that was real, but to be the pure effect of his own invention. After he was sentenced in the star-chamber, some of his friends resorted to him, to lament and condole with him for his misfortune; and some of them seemed to wonder that, in an affair of such a nature, he had not found means to have made some submission and composition, that might have prevented the public hearing, which proved so much to his prejudice in point of reputation, as well as profit. He answered them with all the formality imaginable, "that they had reason indeed to wonder at him "upon the event; but when they should know how "he had governed himself, he believed they would

" cease to think him worthy of blame." And then related to them, " that as soon as publication had " passed in his cause, and the books were taken " out, he had desired his council (who were all able " men, and some of them very eminent) in the " vacation time, and they at most leisure, to " meet together, and carefully to look over, and " peruse all the evidence that was taken on both " sides; and that then they would all attend him " such a morning, which he appointed, upon their " consent, at his own house at Westminster: that " they came at the time appointed; and being then " shut up in a room together, he asked them, whe- " ther they had sufficiently perused all the books, " and were throughly informed of his case? To " which they all answered, that they had not only " read them all over together, but had severally, " every man by himself, perused [them] again, and " they believed they were all well informed of the " whole. That he then told them, he had desired " this conference with them, not only as his coun- " cil, by whose opinion he meant to govern himself, " but as his particular friends, who, he was sure, " would give him their best advice, and persuade " him to do every thing as they would do them- " selves, if they were in his condition. That he " was now offered to make his peace at court, by " such an humble submission to the king, as he " was most inclined and ready to make; and which " he would make the next day after his cause was " heard, though he should be declared to be inno- " cent, of which he could make no doubt: but that " which troubled him for the present was, that the " infamousness of the charge against him, which

" had been often exposed, and enlarged upon in " several motions, had been so much taken notice " of through the kingdom, that it could not consist " with his honour to divert the hearing, which " would be imputed to his want of confidence in his " innocence, since men did not suspect his courage, " if he durst rely upon the other; but that he was " resolved, as he said before, the next day after he " should be vindicated from those odious aspersions, " he would cast himself at the king's feet, with all " the humility and submission, which the most guilty " man could make profession of. It was in this " point he desired their advice, to which he would, " without adhering to his own inclination, entirely " conform himself; and therefore desired them, singly " in order, to give him their advice. He repeated " the several and distinct discourse every man had " made, in which he was so punctual, that he " applied those phrases, and expressions, and man- " ner of speech to the several men, which they were " all taken notice of frequently to use; as many " men have some peculiar words in discourse, which " they are most delighted with, or by custom most " addicted to: and in conclusion, that they were " unanimous in their judgments, that he could not, " with the preservation of his honour, and the opi- " nion of his integrity, decline the public hearing; " where he must be unquestionably declared inno- " cent; there being no crime or misdemeanour " proved against him in such a manner, as could " make him liable to censure: they all commended " his resolution of submitting to the king, as soon " as he had made his innocence to appear; and they " all advised him to pursue that method. This, he

" said, had swayed him; and made him decline " the other expedient, that had been proposed to " him."

This relation wrought upon those to whom it was made, to raise a prejudice in them against the justice of the cause, or the reputation of the council, as they were most inclined; whereas there was not indeed the least shadow of truth in the whole relation; except that there was such a meeting and conference, as was mentioned, and which had been consented to by the bishop, upon the joint desire and importunity of all the council; who, at that conference, unanimously advised and desired him, " to use all the means and friends he could, that " the cause might not be brought to hearing; but " that he should purchase his peace at any price; " for that, if it were heard, he would be sentenced " very grievously, and that there were many things " proved against him, which would so much reflect " upon his honour and reputation, and the more " for being a bishop, that all his friends would " abandon him, and be ever after ashamed to appear " on his behalf." Which advice, with great passion and reproaches upon the several persons for their presumption and ignorance in matters so much above them, he utterly and scornfully rejected. Nor indeed was it possible, at that time, for him to have made his peace; for though, upon some former addresses and importunity on his behalf, by some persons of power, and place in the court, in which the queen herself had endeavoured to have done him good offices, the king was inclined to have saved him, being a bishop, from the infamy he must undergo by a public trial; yet the bishop's

vanity had, in those conjunctures, so far transported him, that he had done all he could to have it insinuated, "that the court was ashamed of what they "had done; and had prevailed with some of his "powerful friends to persuade him to that compo-"sition:" upon which the king would never hear more any person, who moved on his behalf.

It had been once mentioned to him, whether by authority, or no, was not known, "that his peace "should be made, if he would resign his bishopric, "and deanery of Westminster," (for he held that *in commendam,*) "and take a good bishopric in Ire-"land;" which he positively refused; and said, "he had much to do to defend himself against the "archbishop here: but if he were in Ireland, there "was a man (meaning the earl of Strafford) who "would cut off his head within one month."

This bishop had been for some years in the Tower, by the sentence of the star-chamber, before this parliament met; when the lords, who were the most active and powerful, presently resolved to have him at liberty. Some had much kindness for him, not only as a known enemy to the archbishop of Canterbury, but as a supporter of those opinions, and those persons, which were against the church itself. And he was no sooner at liberty, and brought into the house, but, [as has been before mentioned,] he defended and seconded the lord Say, when he made an invective, with all the malice and bitterness imaginable, against the archbishop, then in prison; and when he had concluded, that bishop said, "that he had long known that noble "lord, and had always believed him to be as well "affected to the church as himself;" and so he

continued to make all his address to that lord, and those of the same party. Being now in full liberty, and in some credit and reputation, he applied himself to the king; and made all possible professions of duty to his majesty, and zeal to the church; protesting "to have a perfect detestation of those "persons, who appeared to have no affection or "duty towards his majesty, and all evil intentions "against the religion established; and that the "civilities he had expressed towards them was only "out of gratitude for the good-will they had shewed "to him; and especially that he might the better "promote his majesty's service." And it being his turn shortly after, as dean of Westminster, to preach before the king, he took occasion to speak of the factious in religion; and mentioning the presbyterians, he said, "it was a government only fit "for tailors and shoemakers, and the like, and not "for noblemen and gentlemen:" which gave great scandal and offence to his great patrons; to whom he easily reconciled himself, by making them as merry with some sharp sayings of the court, and by performing more substantial offices for them.

When, upon the trial of the earl of Strafford, it was resolved to decline the judgment of the house [of peers], and to proceed by bill of attainder; and thereupon it was very unreasonably moved, "that "the bishops might have no vote in the passing "that act of parliament; because they pretended it "was to have their hand in blood, which was "against an old canon;" this bishop, without communicating with any of his brethren, very frankly declared his opinion, "that they ought not to be "present;" and offered, not only in his own name,

but for the rest of the bishops, "to withdraw "always when that business was entered upon:" and so betrayed a fundamental right of the whole order; to the great prejudice of the king, and to the taking away the life of that person, who could not otherwise have suffered.

And shortly after, when the king declared, that he neither would, nor could in conscience, give his royal assent to that act of attainder; when the tumults came about the court with noise and clamour for justice; the lord Say desired the king to confer with his bishops for the satisfaction of his conscience; and desired him to speak with that bishop in the point. After much discourse together, and the king insisting upon many particulars, which might induce others to consent, but were known to himself to be false; and therefore he could never in conscience give his own consent to them; the bishop, amongst other arguments, told him, "that he must "consider, that as he had a private capacity, and a "public, so he had a public conscience, as well as "a private; that though his private conscience, as "a man, would not permit him to do an act con-"trary to his own understanding, judgment, and "conscience; yet his public conscience, as a king, "which obliged him to do all things for the good of "his people, and to preserve his kingdom in peace "for himself and his prosperity [posterity], would "not only permit him to do that, but even oblige, "and require him. That he saw in what commotion "the people were; that his own life, and that of "the queen's, and the royal issue, might probably "be sacrificed to that fury; and it would be very "strange, if his conscience should prefer the life of

" one single private person, how innocent soever, " before all those other lives, and the preservation " of the kingdom."

This was the argumentation of that unhappy casuist, who truly, it may be, did believe himself; for towards the end of the war, and when the king's power declined, he, being then an archbishop, did take a commission from the rebels to take a castle of the king's; in which there was a garrison, and which he did take by a long siege; because he might thereby, and by being himself governor there, the better enjoy the profits of his own estate, which lay thereabouts.

Notwithstanding all these great services he had performed for them, he grew every day more imperious; and after the king thought it necessary to make him archbishop of York, which, as the time then was, could not qualify him to do more harm, and might possibly dispose and oblige him to do more good; he carried himself so insolently, in the house and out of the house, to all persons, that he became much more odious universally, than ever the other archbishop had been; having sure more enemies than he, and no friends, of which the other had abundance. And the great hatred of this man's person and behaviour, was the greatest invitation to the house of commons so irregularly to receive that bill to remove the bishops; and was their only encouragement to hope, that the lords, who had rejected the former, would now pass, and consent to this second bill.

This was one of the bishops, who was most rudely treated by the rabble; who gathered themselves together about the house of peers, crying out, *No*

bishops, no bishops: and whose person was assaulted, and robes torn from his back; upon which, in very just displeasure, he returned to his house, the deanery at Westminster; and sent for all the bishops who were then in the town, (it being within very few days of Christmas,) of which there were twelve or thirteen; and, in much passion, and with his natural indignation, he proposed, as absolutely necessary, " that they might unanimously and pre-" sently prepare a protestation, to send to the house, " against the force that was used upon them; and " against all the acts, which were, or should be " done during the time that they should by force " be kept from doing their duties in the house." And immediately, having pen and ink ready, himself prepared a protestation; which, being read to them, they all approved; depending upon his great experience in the rules of the house, where he had sat so many years, and in some parliaments in the place of speaker, whilst he was keeper of the great seal; and so presuming that he could commit no error in matter or form: and without further communication and advice, which both the importance of the subject, and the distemper of the time, did require; and that it might have been considered as well what was fit, as what was right; without further delay, than what was necessary for the fair writing, and engrossing the instrument they had prepared; they all set their hands to it. And then the archbishop went to Whitehall to the king, and presented the protestation to him; it being directed to his majesty, with an humble desire, that he would send it to the house of peers, since they could not present it themselves; and that he would command

that it should be entered in the journal of the house. And his majesty casting his eye perfunctorily upon it, and believing it had been drawn by mature advice, no sooner received it, than he did deliver it to the lord keeper, who unfortunately happened to be likewise present, with his command that he should deliver it to the house as soon as it met; which was to be within two hours after. Which petition contained these words:

"*To the king's most excellent majesty; and the lords "and peers now assembled in parliament.*

"The humble petition and protestation of all the "bishops and prelates, now called by his ma- "jesty's writs to attend the parliament, and "present about London and Westminster, for "that service.

"That, whereas the petitioners are called up by "several and respective writs, and under great pe- "nalties, to attend in parliament; and have a clear "and indubitable right to vote in bills, and other "matters whatsoever debatable in parliament, by "the ancient customs, laws, and statutes of this "realm; and ought to be protected by your ma- "jesty, quietly to attend, and prosecute that great "service:

"They humbly remonstrate, and protest before "God, your majesty, and the noble lords and "peers now assembled in parliament; that as they "have an indubitable right to sit and vote in the "house of lords, so are they (if they may be pro- "tected from force and violence) most ready and "willing to perform their duties accordingly; and

" that they do abominate all actions or opinions " tending to popery, and the maintenance thereof; " as also all propension and inclination to any " malignant party, or any other side or party " whatsoever, to the which their own reasons and " consciences shall not move them to adhere.

" But, whereas they have been at several times " violently menaced, affronted, and assaulted by " multitudes of people, in their coming to perform " their services in that honourable house; and " lately chased away, and put in danger of their " lives, and can find no redress, or protection, upon " sundry complaints made to both houses in these " particulars:

" They likewise humbly protest before your ma- " jesty, and the noble house of peers, that, saving " to themselves all their rights and interests of " sitting and voting in that house at other times, " they dare not sit, or vote in the house of peers, " until your majesty shall further secure them " from all affronts, indignities, and dangers in the " premises.

" Lastly, whereas their fears are not built upon " fantasies and conceits, but upon such grounds " and objects as may well terrify men of good reso- " lutions, and much constancy; they do in all " duty and humility protest, before your majesty, " and the peers of that most honourable house of " parliament, against all laws, orders, votes, reso- " lutions, and determinations, as in themselves null, " and of none effect, which in their absence, since " the seven and twentieth of this instant month of " December, 1641, have already passed; as like- " wise against all such, as shall hereafter pass in

" that most honourable house, during the time of " this their forced and violent absence from their said " most honourable house; not denying, but if their " absenting themselves were wilful and voluntary, " that most honourable house might proceed in all " these premises, their absence, or this their pro- " testation, notwithstanding.

" And humbly beseeching your most excellent " majesty to command the clerk of that house of " peers to enter this their petition and protestation " amongst his records;

" They will ever pray, &c."

(Signed)

Jo. Eborac.	*Jo. Asaphen.*	*Ma. Ely.*
Tho. Dunesme.	*Guil. Ba. & Wells.*	*Godfr. Glouc.*
Rob. Cov. Lich.	*Geo. Hereford.*	*Jo. Peterburgh.*
Jo. Norwich.	*Rob. Oxon.*	*Mor. Llandaffe.*

It was great pity, that, though the archbishop's passion transported him, as it usually did; and his authority imposed upon the rest, who had no affection to his person, or reverence for his wisdom; his majesty did not take a little time to consider of it, before he put it out of his power to alter it, by putting it out of his hands. For it might easily have been discerned by those who were well acquainted with the humour, as well as the temper, of both houses, that some advantage and ill use would have been made of some expressions contained in it; and that it could produce no good effect. But the same motive and apprehension, that had precipitated the bishops to so hasty a resolution, (which was, that the house of peers would have made that use of the bishops being

kept from the house, that they would in that time have passed the bill itself for taking away their votes,) had its effect likewise with the king; who had the same imagination, and therefore would lose no time in the transmission of it to the house; whereas the lords would never have made use of that very season, whilst the tumults still continued, for the passing an act of that importance; and the scandal, if not invalidity of it, would have been an unanswerable ground for the king to have refused his royal assent to it.

As soon as the protestation, which, no doubt, in the time before the house was to meet, had been communicated to those who were prepared to speak upon it, was delivered by the lord keeper, with his majesty's command, and read; the governing lords manifested a great satisfaction in it; some of them saying, "that there was *digitus Dei* to bring that "to pass, which they could not otherwise have "compassed;" and without ever declaring any judgment or opinion of their own upon it, which they ought to have done, the matter only having relation to themselves, and concerning their own members; they sent to desire a conference presently with the house of commons, upon a business of importance: and, at the conference, only read and delivered the protestation of the bishops to them; which, the lord keeper told them, he had received from the king's own hand, with a command to present it to the house [of peers]. The house of commons took very little time to consider of the matter, but, within half an hour, they sent up to the lords; and, without further examination, accused them all, who had subscribed

the protestation, of high treason; and, by this means, they were all, the whole twelve of them, committed to prison; and remained in the Tower till the bill for the putting them out of the house was passed, which was not till many months after.

When the passion, rage, and fury of this time shall be forgotten, and posterity shall find, amongst the records of the supreme court of judicature, so many orders and resolutions in vindication of the liberty of the subject, against the imprisoning of any man, though by the king himself, without assigning such a crime as the law hath determined to be worthy of imprisonment; and in the same year, by this high court, shall find twelve bishops, members of this court, committed to prison for high treason, for the presenting this protestation; men will surely wonder at the spirit of that reformation: and even that clause of declaring all acts null, which had been, or should be, done in their absence, in defence of which no man then durst open his mouth, will be thought both good law and good logic; not that the presence of the bishops in that time was so essential, that no act should pass without them; which had given them a voice, upon the matter, as negative as the king's; and themselves, in their instrument, disclaimed the least pretence to such a qualification; but because a violence offered to the freedom of any one member, is a violation to all the rest: as if a council consist of threescore, and the door to that council be kept by armed men, and all such, whose opinions are not liked, kept out by force; no doubt the freedom of those within is infringed, and all their acts as void and null, as if they were locked in,

and kept without meat till they altered their judgments.

And therefore you shall find in the journals of the most sober parliaments, that, upon any eminent breach of their privileges, as always upon the commitment of any member for any thing said or done in the house, sometimes upon less occasions, that house, which apprehended the trespass, would sit mute, without debating, or handling any business, and then adjourn; and this hath been practised many days together, till they had redress or reparation. And their reason was, because their body was lame; and what was befallen one member, threatened the rest; and the consequence of one act might extend itself to many other, which were not in view; and this made their privileges of so tender and nice a temper, that they were not to be touched, or in the least degree trenched upon; and therefore that in so apparent an act of violence, when it is not more clear that they were committed to prison, than that they durst not then sit in the house, and when it was lawful [in the house of peers] for every dissenter in the most trivial debate, to enter his protestation against that sense he liked not, though he were single in his opinion; that it should not be lawful for those, who could not enter it themselves, to present this protestation to the king, to whom they were accountable under a penalty for their absence; and unlawful to that degree, that it should render them culpable of high treason; and so forfeit their honours, their lives, their fortunes, expose their names to perpetual infamy, and their wives and children to penury and want of bread; will be looked upon as a de-

termination of that injustice, impiety, and horror, as could not be believed without those deep marks and prints of confusion, that followed and attended that resolution.

And yet the indiscretion of those bishops, swayed by the pride and insolence of that antiprelatical archbishop, in applying that remedy at a time, when they saw all forms and rules of judgment impetuously declined; and the power of their adversaries so great, that the laws themselves submitted to their oppression; that they should, in such a storm, when the best pilot was at his prayers, and the card and compass lost, without the advice of one mariner, put themselves in such a cockboat, and to be severed from the good ship, gave that scandal and offence to all those who passionately desired to preserve their function, that they had no compassion, or regard of their persons, or what became of them; insomuch as in the whole debate in the house of commons, there was only one gentleman, who spake on their behalf, and said, "he did not believe they were guilty "of high treason, but that they were stark mad; "and therefore desired they might be sent to "Bedlam."

This high and extravagant way of proceeding brought no prejudice to the king; and though it made their tribunal more terrible to men who laboured under any guilt, yet it exceedingly lessened the reverence and veneration that generally was entertained for parliaments: and this last accusation and commitment of so many bishops at once, was looked upon by all sober men with indignation.

For whatever indiscretion might be in the thing itself, though some expressions in the matter might be unskilful and unwarrantable, and the form of presenting and transmitting it irregular and unjustifiable, (for all which the house of peers might punish their own members, according to their discretion,) yet every man knew there could be no treason in it; and therefore the end of their commitment, and the use all men saw would be made of it, made it the more odious; and the members who were absent from both houses, which were three parts of four, and many of those who had been present, abhorred the proceedings, [and] attended the houses more diligently; so that the angry party, who were no more treated with, to abate their fury, would have been compelled to have given over all their designs for the alteration of the government both in church and state; if the volatile and unquiet spirit of the lord Digby had not prevailed with the king, contrary to his resolution, to have given them some advantage; and to depart from his purpose of doing nothing, [without very mature deliberation].

Though sir William Balfour, who is mentioned before, (a Scotchman who had been many years lieutenant of the Tower of London, which had raised great murmur and repining in the whole English nation, which, as it had an unreasonable aversion to all that people, thought it a great reproach that so eminent a command should be conferred upon a stranger, which the whole city of London took most to heart,) had, from the beginning of this parliament, according to the natural

custom of his country, forgot all his obligations to the king; and had made himself very gracious to those people, whose glory it was to be thought enemies to the court; and, whilst the earl of Strafford was his prisoner, did many offices not becoming the trust he had from the king, and ministered much of the jealousy, which they had of his majesty; upon which there had been a long resolution to remove him from that charge; but to do it with his own consent, that there might be no manifestation of displeasure; yet it was a very unseasonable conjuncture, which was taken to execute it in; paying him such a considerable sum of money as well pleased him; and this whole transaction was so secretly carried, that there was neither notice or suspicion of it, till it was heard, that sir Thomas Lunsford was sworn lieutenant of the Tower; a man, [who,] though of an ancient family in Sussex, was of a very small and decayed fortune, and of no good education; having been few years before compelled to fly the kingdom, to avoid the hand of justice for some riotous misdemeanour; by reason whereof he spent some time in the service of the king of France, where he got the reputation of a man of courage, and a good officer of foot; and in the beginning of the troubles had some command in the king's army; but so much inferior to many others, and was so little known, except upon the disadvantage of an ill character, that, in the most dutiful time, the promotion would have appeared very ungrateful. He was utterly a stranger to the king, and therefore it was quickly understood to proceed from the single election of

the lord Digby, to whom he was likewise very little known; who had in truth designed that office to his brother sir Lewis Dives, against whom there could have been no exception, but his relation: but he being not at that time in town, and the other having some secret reason (which was not a good one) to fill that place in the instant with a man who might be trusted; he suddenly resolved upon this gentleman, as one who would be faithful to him for the obligation, and execute any thing he should desire or direct; which was a reason, he might easily have foreseen, would provoke more powerful opposition; which error, as is said before, was repaired by the sudden change, and putting in sir John Byron; though it gave little satisfaction, and the less, by reason of another more inconvenient action, which changed the whole face of affairs, and caused this to be the more reflected upon.

In the afternoon of a day when the two houses sat, Herbert, the king's attorney, informed the house of peers, that he had somewhat to say to them from the king; and thereupon, having a paper in his hand, he said, that the king commanded him to accuse the lord Kimbolton, a member of that house, and five gentlemen, who were all members of the house of commons, of high treason; and that his majesty had himself delivered him in writing several articles, upon which he accused them; and thereupon he read in a paper these ensuing articles, by which the lord Kimbolton, Denzil Hollis, sir Arthur Haslerig, Mr. Pym, Mr. Hambden, and Mr. Strode, stood accused of high treason, for conspiring against the king and the parliament.

Articles of high treason, and other misdemeanours, against the lord Kimbolton, Mr. Pym, John Hambden, Denzil Hollis, sir Arthur Haslerig, and William Strode, members of the house of commons.

1. "That they have traitorously endeavoured to "subvert the fundamental laws and government of "this kingdom; and deprive the king of his regal "power; and to place on his subjects an arbitrary "and tyrannical power.

2. "That they have endeavoured, by many foul "aspersions upon his majesty, and his government, "to alienate the affections of his people, and to "make his majesty odious to them.

3. "That they have endeavoured to draw his "majesty's late army to disobedience to his ma-"jesty's command, and to side with them in their "traitorous design.

4. "That they have traitorously invaded, and "encouraged a foreign power to invade his ma-"jesty's kingdom of England.

5. "That they have traitorously endeavoured to "subvert the very rights and beings of parliament.

6. "That, for the completing of their traitorous "designs, they have endeavoured, as far as in them "lay, by force and terror to compel the parliament "to join with them in their traitorous designs, and, "to that end, have actually raised and countenanced "tumults against the king and parliament.

7. "That they have traitorously conspired to levy, "and actually have levied, war against the king."

The house of peers was somewhat appalled at this alarum; but took time to consider of it, till the next day, that they might see how their masters

the commons would behave themselves; the lord Kimbolton being present in the house, and making great professions of his innocence; and no lord being so hardy to press for his commitment on the behalf of the king.

At the same time, a sergeant at arms demanded to be heard at the house of commons from the king; and being sent for to the bar, demanded the persons of the five members to be delivered to him in his majesty's name, his majesty having accused them of high treason. But the commons were not much surprised with the accident; for besides that they quickly knew what had passed with the lords, some servants of the king's, by especial warrant, had visited the lodgings of some of the accused members, and sealed up their studies and trunks; upon information whereof, before the sergeant came to the house, or public notice was taken of the accusation, an order was made by the commons; "That if any person whatsoever should come to "the lodgings of any member of that house, and "there offer to seal the doors, trunks, or papers of "such members, or to seize upon their persons; "that then such members should require the aid of "the next constable, to keep such persons in safe "custody, till the house should give further order: "that if any person whatsoever should offer to "arrest or detain any member of that house, with-"out first acquainting that house therewith, and "receiving further order from thence; that it "should be lawful for such member to stand upon "his guard, and make resistance, and [for] any "person to assist him, according to the protesta-"tion taken to defend the privileges of parliament."

And so, when the sergeant had delivered his message, he was no more called in; but a message sent to the king, "that the members should be "forthcoming as soon as a legal charge should be "preferred against them;" and so the house adjourned till the next day, every one of the accused persons taking a copy of that order, which was made for their security.

The next day in the afternoon, the king, attended only by his own guard, and some few gentlemen, who put themselves into their company in the way, came to the house of commons; and commanding all his attendants to wait at the door, and to give offence to no man; himself, with his nephew, the prince elector, went into the house, to the great amazement of all: and the speaker leaving the chair, the king went into it; and told the house, "he was sorry for that occasion of coming to them; "that yesterday he had sent his sergeant at arms "to apprehend some, that, by his command, were "accused of high treason; whereunto he expected "obedience, but instead thereof he had received a "message. He declared to them, that no king of "England had been ever, or should be, more care-"ful to maintain their privileges, than he would be; "but that in cases of treason no man had privilege; "and therefore he came to see if any of those per-"sons, whom he had accused, were there; for he "was resolved to have them, wheresoever he should "find them: and looking then about, and asking "the speaker whether they were in the house, and "he making no answer, he said, he perceived the "*birds were all flown*, but expected they should be "sent to him, as soon as they returned thither; "and assured them in the word of a king, that he

" never intended any force, but would proceed " against them in a fair and legal way;" and so returned to Whitehall.

The accused persons, upon information and intelligence what his majesty intended to do, how secretly soever it was carried at court, having withdrawn from the house about half an hour before the king came thither; the house, in great disorder, as soon as the king was gone, adjourned till the next day in the afternoon; the lords being in so great apprehension upon notice of the king's being at the house of commons, that the earl of Essex expressed a tender sense he had of the inconveniences which were like to ensue those divisions; and moved, " that the house of peers, as a work very proper " for them, would interpose between the king and " his people; and mediate to his majesty on the " behalf of the persons accused;" for which he was reprehended by his friends, and afterwards laughed at himself, when he found how much a stronger defence they had, than the best mediation could prove on their behalf.

How secretly soever this affair was carried, it was evident that the king's [resolution of] coming to the house was discovered, by the members withdrawing themselves, and by a composedness, which appeared in the countenances of many, who used to be disturbed at less surprising occurrences; and though the purpose of accusing the members was only consulted between the king and the lord Digby; yet it was generally believed, that the king's purpose of going to the house was communicated to William Murray of the bed-chamber, with whom the lord Digby had great friendship; and that it was betrayed by him. And that lord,

who had promised the king to move the house for the commitment of the lord Kimbolton, as soon as the attorney general should have accused him, (which if he had done would probably have raised a very hot dispute in the house, where many would have joined with him,) never spake the least word; but, on the contrary, seemed the most surprised and perplexed with the attorney's impeachment; and sitting at that time next to the lord Kimbolton, with whom he pretended to live with much friendship, he whispered him in the ear with some commotion, (as he had a rare talent in dissimulation,) "that the king was very mischievously advised; and that it should go very hard, but he would know whence that counsel proceeded; in order to which, and to prevent further mischief, he would go immediately to his majesty;" and so went out of the house.

Whereas he was the only person who gave the counsel, named the persons, and particularly named the lord Kimbolton, (against whom less could be said, than against many others, and who was more generally beloved,) and undertook to prove that he bade the rabble, when they were about the parliament-house, that they should go to Whitehall. And when he found the ill success of the impeachment in both houses, and how unsatisfied all were with the proceeding, he advised the king the next morning to go to the guildhall, and to inform the mayor and aldermen of the grounds of his proceeding; which will be mentioned anon. And that people might not believe, that there was any dejection of mind, or sorrow, for what was done; the same night, the same council caused a proclamation

to be prepared for the stopping the ports; that the accused persons might not escape out of the kingdom; and to forbid all persons to receive and harbour them: when it was well known, that they were all together in a house in the city, without any fear of their security. And all this was done without the least communication with any body, but the lord Digby, who advised it; and, it is very true, was so willing to take the utmost hazard upon himself, that he did offer the king, when he knew in what house they were together, with a select company of gentlemen, who would accompany him, whereof sir Thomas Lunsford was one, to seize upon them, and bring them away alive, or leave them dead in the place: but the king liked not such enterprises.

That night the persons accused removed themselves into their strong hold, the city: not that they durst not venture themselves at their old lodgings, for no man would have presumed to trouble them, but that the city might see, that they relied upon that place for a sanctuary of their privileges against violence and oppression; and so might put on an early concernment for them. And they were not disappointed; for, in spite of all the lord mayor could do to compose their distempers, (who, like a very wise and stout magistrate, bestirred himself,) the city was that whole night in arms; some people, designed to that purpose, running from one gate to another, and crying out, "that "the *cavaliers* were coming to fire the city;" and some saying, "that the king himself was in the "head of them."

The next morning, the king, being informed of

much that had passed that night, according to the advice he had received, sent to the lord mayor to call a common council immediately; and about ten of the clock, himself, attended only by three or four lords, went to the guildhall; and in the room, where the people were assembled, told them, "he "was very sorry to hear of the apprehensions they "had entertained of danger; that he was come to "them, to shew how much he relied upon their "affections for his security and guard, having "brought no other with him; that he had accused "certain men of high treason, against whom he "would proceed in a legal way; and therefore he "presumed they would not shelter them in the "city." And using many other very gracious expressions of his value of them, and telling one of the sheriffs, (who was of the two thought less inclined to his service,) "that he would dine with "him," he departed without that applause and cheerfulness, which he might have expected from the extraordinary grace he vouchsafed to them; and in his passage through the city, the rude people flocking together, and crying out, "Privilege of "parliament, privilege of parliament;" some of them pressing very near his own coach, and amongst the rest one calling out with a very loud voice, "To your tents, O Israel." However the king, though much mortified, continued his resolution, taking little notice of the distempers; and, having dined at the sheriff's, returned in the afternoon to Whitehall; and published, the next day, a proclamation for the apprehension of all those, whom he accused of high treason, forbidding any

person to harbour them; the articles of their charge being likewise printed and dispersed.

When the house of commons next met, none of the accused members appearing, they had friends enough, who were well enough instructed to aggravate the late proceedings, and to put the house into a thousand jealousies and apprehensions, and every slight circumstance carried weight enough in it to disturb their minds. They took very little notice of the accusing the members; but the king's coming to the house, which had been never known before, and declaring, "that he would take them "wherever he found them, was an evidence, that "he meant himself to have brought a force into "the house, to apprehend them, if they had been "there;" was looked upon as the highest breach of privilege that could possibly be imagined. They who spake most passionately, and probably meant as maliciously, behaved themselves with modesty, and seemed only concerned in what concerned them all; and concluded, after many lamentations, "that "they did not think themselves safe in that house, "till the minds of men were better composed; that "the city was full of apprehensions, and was very "zealous for their security; and therefore wished "that they might adjourn the parliament to meet "in some place in the city." But that was found not practicable; since it was not in their own power to do it, without the consent of the peers, and the concurrence of the king; who were both like rather to choose a place more distant from the city. And, with more reason, in the end they concluded, "that the house should adjourn itself for

"two or three days, and name a committee, which "should sit both morning and afternoon in the "city;" and all who came, to have voices: and Merchant-Tailors' hall was appointed for the place of their meeting; they who served for London undertaking, "that it should be ready against the "next morning:" no man opposing or contradicting any thing that was said; they, who formerly used to appear for all the rights and authority which belonged to the king, not knowing what to say, and between grief and anger that the violent party had, by these late unskilful actions of the court, gotten great advantage, and recovered new spirits: and the three persons before named, without whose privity the king had promised that he would enter upon no new counsel, were so much displeased and dejected, that they were inclined never more to take upon them the care of any thing to be transacted in the house: finding already, that they could not avoid being looked upon as the authors of those counsels, to which they were so absolute strangers, and which they so perfectly detested.

And in truth, they had then withdrawn themselves from appearing often in the house, but upon the abstracted consideration of their duty and conscience, and of the present ill condition the king was in; who likewise felt within himself the trouble and agony which usually attends generous and magnanimous minds, upon their having committed errors, which expose them to censure and to damage. In fine, the house of commons adjourned for some days, to consult with their friends in the city; and the house of lords held so good correspondence with them, that they likewise adjourned

to the same days they knew, by some intelligence, they intended to meet again. But the lords made no committee to sit in the city.

When the committee met the next morning at Merchant-Tailors' hall, where all who came were to have voices, and whither all did come at first, out of curiosity to observe what method they meant to proceed in, rather than expectation that they should be able to do any good there; they found a guard ready to attend them, of substantial citizens in arms, and a committee from the common council, to bid them welcome into the city; and to assure them, "that the city would take care, that they "and all their members should be secured from "violence; and to that purpose had appointed that "guard to attend them, which should be always "relieved twice a day, if they resolved to sit morn-"ing and afternoon;" and acquainted them further, "that the common council, in contemplation that "they might stand in want of any thing, had "likewise appointed a committee of so many alder-"men, and such a number of the common council, "which should always meet at a place named, at "those hours, which that committee should appoint "to meet at; to the end that, if any thing were to "be required of the city, they might still know "their pleasure, and take care that it should be "obeyed." And thus they had provided for such a mutual communication and confederacy, that they might be sure always to be of one mind, and the one to help the other in the prosecution of those designs and expedients, which they should find necessary to their common end: the committee of the city consisting of the most eminent persons,

aldermen and others, for their disaffection to the government of church and state.

At their first sitting, the committee began with the stating the manner of the king's coming to the house, and all he did there; the several members mentioning all that they would take upon them to remember of his majesty's doing or speaking, both as he came to the house, and after he was there; some of them being walking in Westminster-hall when the king walked through, and so came to the house with him, or near him; others reporting what they had heard some of the gentlemen, who attended his majesty, say, as they passed by; every idle word having its commentary; and the persons, whoever were named, being appointed to attend; they having power given them to send for all persons, and to examine them touching that affair. Nor had any man the courage to refuse to obey their summons; so that all those of the king's servants, who were sent for, appeared punctually at the hour that was assigned them; and were examined upon all questions, which any one of the committee would propose to them, whereof many were very impertinent, and of little respect to the king.

It was very well known where the accused persons were, all together in one house in Coleman-street, near the place where the committee sat; and whither persons trusted passed to and fro to communicate and receive directions; but it was not seasonable time for them yet to appear in public, and to come and sit with the committee, or to own the believing that they thought themselves safe from the violence and the assaults of the court; the power whereof they exceedingly contemned, whilst they

seemed to apprehend it: nor was it yet time to model in what manner their friends in the city and the country should appear concerned for them; in preparing whereof no time was lost.

Against the time the house was to meet, the first adjournment not being for above two or three days, the committee had prepared matter enough for a report; a relation of all they had discovered upon their examinations, and such votes as they thought fit to offer upon the breach of their privilege; that they might thereby discover the affections of the house, of which they could not yet take any measure, since there had been no debate since those accidents, which could discover the general temper; which they well enough knew was not before to their advantage. In the mean time, they used all the ways they could to asperse those, who used to oppose them, as the contrivers of the late proceedings; and were willing they should know it; which they imagined would restrain them from taking the same liberty they had used to do.

And so at their meeting in the house, upon the report of the committee, they declared, "That the "king's coming to the house, and demanding the "persons of divers members thereof to be delivered "unto him, was a high breach of the rights and "privileges of parliament, and inconsistent with the "liberty and freedom thereof: and therefore that "they could not with the safety of their own per-"sons, or the indemnity of the rights and privileges "of parliament, sit there any longer, without a full "vindication of so high a breach, and a sufficient "guard, wherein they might confide; and for that "reason did order, that their house should be

" again adjourned for four days; and that the com-
" mittee should meet in the same place, to consider
" and resolve of all things, that might concern the
" good and safety of the city, and the kingdom;
" and particularly how their privileges might be
" vindicated, and their persons secured; and should
" have power to consult and advise with any per-
" son or persons, touching the premises." And this order and declaration being made, they adjourned; the last clause being intended to bring their members to them.

At the meeting of the house, the committee had informed them, first of the great civilities they had received from the city in all the particulars, that they might have order to return the thanks of the whole house, which they easily obtained; and, at their return, they took more examinations than they had formerly; by which they made a fuller relation of the king's coming to the house, and his carriage and words there. And because it was visible to all men, that the king was so far from bringing any force with him, which they desired should be believed, that he had only his guard of halberdiers, and fewer of them than used to go with him upon any ordinary motion; and that fewer of his gentlemen servants were then with him, than usually attended him when he went but to walk in the park; and had only their little swords; they were very punctual in mentioning any light or loose words, which had fallen from any man, that it might be believed that there was more in the matter. As they carefully inserted in their relation, that one of the waiters, as he walked very near his majesty through the hall, said, " he had a good pistol in his

" pocket;" and that another, as they were walking up the stairs towards the house of commons, called out, *Fall on;* from which they would have it believed, that there had been very bloody intentions.

Then they offered some votes to be offered to the house, in which they voted " the relation, which " was made, to be true; and thereupon, that the " king's coming to the house in that manner was " the highest breach of the privilege of parliament " that could be made; and that the arresting, or " endeavouring to arrest, any member of parlia- " ment, was a high breach of their privilege; and " that the person, who was so arrested, might law- " fully rescue and redeem himself; and that all who " were present, and saw the privilege of parliament " so violated, might and ought to assist the injured " person in his defence, and to procure his liberty " with force." And these votes the house confirmed, when they were reported: though, in the debate, it was told them, " that they must take " heed, that they did not, out of tenderness of their " privilege, which was and must be very precious " to every man, extend it further than the law " would suffer it to be extended: that the house " had always been very severe upon the breach of " any of their privileges, and in the vindicating " those members, who were injured; but that the " disposing men to make themselves judges, and to " rescue themselves or others, might be of evil " consequence, and produce ill effects; at least if it " should fall out to be, that the persons were " arrested for treason, or felony, or breach of the " peace; in either of which cases, there could be

"no privilege of parliament." This, though a known truth to any, who knew any thing of the law, was received with noise and clamour, and with wonderful evidence of dislike, and some faint contradictions, "that no such thing ought to be done "whilst a parliament was sitting:" and then, falling upon the late action of the king, and the merit of those persons, and without much contradiction, which was found to be ungrateful, the house confirmed all that the committee had voted; and then adjourned again for some days, and ordered the committee to meet again in the city; which they did morning and afternoon, and prepared other votes of a brighter allay, and more in the face of the king and the law, every day adding to the fury and fierceness of the precedent; and the house met and sat, only to confirm the votes which were passed by the committee, and to prosecute such matters as were by concert brought to them, by petition from the city; which was ready to advance any thing they were directed: and so, whilst the members yet kept themselves concealed, many particulars of great importance were transacted in those short sittings of the house.

The king about this time, having found the inconvenience and mischief to himself of having no servant of interest and reputation, and who took his business to heart, in the house of commons, had made the lord Falkland and sir John Colepepper, both members of that house, and of unblemished reputations and confessed abilities, of his privy-council; and the one, the lord Falkland, his principal secretary of state, and sir John Colepepper, chancellor of the exchequer; as is said before.

And so, having now gotten two counsellors about him, who durst trust one another, and who were both fit to be trusted by him, which he had been without above a year past, to his and the kingdom's irreparable disadvantage; he thought fit to publish a declaration to all his subjects, in answer to the remonstrance he had lately received from the house of commons, and was dispersed throughout the kingdom. In which, without the least sharpness or return of that language he had received, he took notice "of the fears and jealousies," (for those were the new words, which served to justify all indispositions, and to excuse all disorders,) "which "made impression in the minds of his people, with "reference to their religion, their liberty, or their "civil interests."

"For religion, he observed the fears to be of "two sorts; either as ours here established might "be invaded by the Romish party; or as it was "accompanied with some ceremonies, at which "some tender consciences really were, or pretended "to be, scandalized. For the first, as there might "be any suspicion of favour or inclination to the "papists, he said, he was willing to declare to all "the world, that, as he had been brought up from "his childhood in, and practised that religion, "which was established in the church of England; "so he believed he could, having given a good "part of his time and pains to the examination of "the grounds of it, as it differed from that of Rome, "maintain the same by unanswerable reasons; and "hoped he should be ready to seal it by the effusion "of his blood, if it should please God to call him "to that sacrifice: and that nothing could be so

" acceptable to him, as any proposition, which " might contribute to the advancement of it here, " as [well as] the propagation of it abroad; being " the greatest means to draw down a blessing from " God upon himself, and this nation; and if this " profession of his was wanting to his people, he " thought himself extremely unfortunate, for that " his constant practice in his own person had " always been, without ostentation, as much to the " evidence of his care and duty therein, as he could " possibly tell how to express.

" For matters of ceremony, he said, he would, in " tenderness to any number of his loving subjects, " be willing to comply with the advice of his par- " liament, that some law should be made for the " exemption of tender consciences from punishment " or prosecution for such ceremonies; and in such " cases, which by the judgment of most men are " held to be matters indifferent, and of some to be " absolutely unlawful. Provided that that case " should be attempted, and pursued with that mo- " desty, temper, and submission, that in the mean " time the peace and quiet of the kingdom should " not be disturbed, the decency and comeliness of " God's service [not] discountenanced, nor the " pious, sober, and devout actions of those reverend " persons, who were the first labourers in the " blessed reformation, or of that time, be scan- " dalized and defamed. For, he said, he could not, " without grief of heart, and without some tax upon " himself and his ministers for the not execution of " the laws, look upon the bold license of some men " in printing of pamphlets, in preaching and print- " ing of sermons so full of bitterness and malice

" against the present government, against the laws " established; so full of sedition against his own " person, and the peace of the kingdom; that he " was many times amazed to consider by what eyes " those things were seen, and by what ears they " were heard.

" Concerning the civil liberties and interests of " the subjects, he said, he should need say the less, " having erected so many lasting monuments of his " princely and fatherly care of his people, in those " excellent laws passed by him this parliament; " which, with very much content to himself, he " said, he conceived to be so large and ample, that " very many sober men had very little left to wish " for of that kind. He told them, he very well " understood the rights and particular advantages, " he had departed from in many of the acts he had " passed; and therefore he had reason to hope, as " he had taken all occasions to render their condi- " tion most comfortable and happy; so they would, " in grateful and dutiful relation, be always ready " with equal tenderness and alacrity to advance his " rights, and preserve his honour, upon which their " own security and subsistence so much depended; " and no particular should be presented unto him " for the completing and establishing that security, " to the which he would not with the same readi- " ness contribute his best assistance. He said, if " those resolutions were the effects of his present " counsels, and he took God to witness that they " were such, and that his subjects might confidently " expect the benefit of them from him, certainly no " ill design upon the public could accompany such " resolutions; neither could there be great cause of

" suspicion of any persons preferred by him to de-
" grees of honour, and places of trust and employ-
" ment, since this parliament: and therefore, that
" amongst his misfortunes he reckoned it not the
" least, that, having not retained in his service,
" nor protected any one person, against whom the
" parliament had excepted, during the whole sitting
" of it; and having in all that time scarce vouch-
" safed to any man an instance of his favour or
" grace, but to such who were under some eminent
" character of estimation amongst the people,
" there should so soon be any misunderstanding or
" jealousy of their fidelity and uprightness; espe-
" cially in a time, when he took all occasions to
" declare, that he conceived himself only capable
" of being served by honest men, and in honest
" ways.

" However, if he had been mistaken in such his
" election, the particular should no sooner be dis-
" covered to him, either by his own observation, or
" other certain information, than he would leave
" them to public justice, under the marks of his
" displeasure. If, notwithstanding this, any malig-
" nant party should take heart, and be willing to
" sacrifice the peace and happiness of their country
" to their own sinister ends and ambitions, under
" what pretence of religion and conscience soever;
" if they should endeavour to lessen his reputation
" and interest, and to weaken his lawful power and
" authority with his good subjects; if they should
" go about, by discountenancing the present laws,
" to loosen the bonds of government, that all dis-
" order and confusion might break in; he doubted
" not, but God in his good time would discover

" them; and the wisdom and courage of his high " court of parliament join with him in their sup- " pression and punishment.

" Having said all he could, to express the clear- " ness and uprightness of his intentions, and done " all he could to manifest those intentions, he said, " he could not but confidently believe, all his good " subjects would acknowledge his part to be fully " performed, both in deeds past, and present resolu- " tions to do what with justice might be required of " him; and that their quiet and prosperity now " depended wholly on themselves, and was in their " own power, by yielding all obedience and due " reverence to the law; which is the inheritance of " every subject, and the only security he can have " for his life, liberty, and estate; and the which " being neglected or disesteemed, under what spe- " cious shows soever, a great measure of infelicity, " if not an irreparable confusion, must without " doubt fall upon them. And he doubted not, it " would be the most acceptable declaration a king " could make to his subjects, that he was not only " resolved to observe the laws himself, but to main- " tain them against what opposition soever, though " with the hazard of his being. He hoped the " loyalty and good affections of all his subjects " would concur with him in the constant preserving " a good understanding between him and his peo- " ple; and that their own interest, and compassion " of the lamentable condition of the poor protestants " in Ireland, would invite them to a fair intelligence " and unity amongst themselves; that so they " might, with one heart, intend the relieving and " recovering that unhappy kingdom; where those

" barbarous rebels practised such inhuman and un-
" heard of outrages upon the miserable people, that
" no Christian ear could hear without horror, or
" story parallel. He concluded with conjuring
" all his good subjects, of what degree or quality
" soever, by all the bonds of love, duty, and obe-
" dience, that are precious to good men, to join
" with him for the recovery of the peace of that
" kingdom, and the preservation of the peace of
" this; to remove all the doubts and fears which
" might interrupt their affection to him, and all
" their jealousies and apprehensions, which might
" lessen their charity to each other; and then, he
" said, if the sins of the nation had not prepared
" an inevitable judgment for all, God would make
" him a great and a glorious king over a free and
" a happy people."

Though this declaration had afterwards a very good influence upon the people to his majesty's advantage, yet for the present it gave no allay to their distempers. Their seditious ministers were despatched to inflame the neighbour counties, and all possible art was used to inflame the city of London; which prevailed so far, that, notwithstanding all the opposition the lord mayor of London, the recorder, and the gravest and most substantial aldermen could make, the major part of the common council prevailed to send a petition to the king, in the name of the mayor, aldermen, and common council of the city of London; which was the next Sunday morning delivered to him, with great solemnity, at Whitehall, by a number chosen of that body; representing " the great " dangers, fears, and distractions, the city then

" was in, by reason of the prevailing progress of " the bloody rebels of Ireland; the putting out of " persons of honour and trust from being con- " stable and lieutenant of the Tower, especially in " those times, and the preparations there lately " made; the fortifying Whitehall with men and " munition in an unusual manner; some of which " men abused and wounded divers citizens passing " by; the calling in divers cannoniers, and other " assistance into the Tower; the discovery of " divers fireworks in the hands of a papist, and " the misunderstanding between his majesty and " the parliament. That their fears were exceed- " ingly increased by his majesty's late going into " the house of commons, attended by a great mul- " titude of armed men, for the apprehending of " divers members of that house, to the endanger- " ing his own person, and the persons and privi- " leges of that honourable assembly. That the " effects of those fears tended not only to the " overthrow of the whole trade of that city and " kingdom, which they felt already in a deep " measure, but threatened the utter ruin of the " protestant religion, and the lives and liberties of " all his subjects; and therefore they prayed his " majesty, that, by the advice of his great council " in parliament, the protestants in Ireland might " be speedily relieved; the Tower put into the " hands of persons of trust; that, by removal of " doubtful and unknown persons from about White- " hall and Westminster, a known and approved guard " might be appointed for the safety of his majesty " and the parliament; and that the lord Kim- " bolton, and the five members of the house of

" commons lately accused, might not be restrained
" of liberty, or otherwise proceeded against, than
" according to the privileges of parliament."

The king very well understood from what spirit this petition proceeded, and the inconvenience of giving so much countenance to it, as the very receiving it was, if he could have avoided it. But the torrent was too strong to be resisted by any direct strength he could raise against it; and therefore he resolved to endeavour to divide and reduce them, by the most gracious descending to their pretended fears and apprehensions; and the same day gave them this answer; " That, for the
" sad business of Ireland, he could not possibly
" express a greater sense than he had done, there
" being nothing left on his part unoffered, or un-
" done. For the Tower, he wondered that, having
" removed a servant of trust from that charge,
" only to satisfy the fears of the city, and put in
" another of unquestionable reputation and known
" ability, the petitioners should still entertain those
" fears; and whatever preparation of strength was
" there made, was with as great an eye of safety
" and advantage to the city, as to his own person,
" and should be equally employed to both.

" For the fortifying Whitehall with men and
" munition in an unusual way, he doubted not, they
" had observed the strange provocation he had
" received to entertain that guard; that, by the
" disorderly and tumultuous conflux of people at
" Westminster and Whitehall, his great council
" was not only disquieted, but his own royal person
" in danger; most seditious language being utter-
" ed even under his own windows. And if any

" citizens had been wounded, or ill treated, he was " confidently assured, that it had happened by " their own evil and corrupt demeanours. For " the fireworks in the hands of a papist, he knew " nothing, nor understood whom, or what they " meant.

" For his going to the house of commons, when " his attendants were no otherwise armed than as " gentlemen with swords, he was persuaded, that " if they knew the clear grounds, upon which " those persons stood accused of high treason, " and what would be proved against them, with " which they should be in due time acquainted, " and considered the gentle way he took for their " apprehension, (which he preferred before any " course of violence, though that way had been " very justifiable; since it was notoriously known, " that no privilege of parliament can extend to " treason, felony, or breach of the peace,) they " would believe his going thither was an act of " grace and favour to that house, and the most " peaceable way of having that necessary service " performed; there being such orders made for " the resistance of what authority soever for their " apprehension: and for the proceedings against " those persons, he ever intended the same should " be with all justice and favour, according to the " laws and statutes of the realm; to the which all " innocent men would cheerfully submit. And " that extraordinary way of satisfying a petition of " so unusual a nature, he said, he was confident " would be thought the greatest instance could be " given of his clear intentions to his subjects; and " of the singular esteem he had of the good af-

" fections of that city, which he hoped in gratitude " would never be wanting to his just commands " and service."

It was no wonder that they, who at such a time could be corrupted to frame and deliver such a petition, would not be reformed by such an answer. Neither will it be here unseasonable, to spend a little time in considering how the affections and tempers of so rich and opulent a city, which could naturally expect to prosper only by peace and agreement, were wrought upon and transported to that degree, as to be the only instruments of its own and the kingdom's destruction.

The city of London, as the metropolis of England, by the situation the most capable of trade, and by the most usual residence of the court, and the fixed station of the courts of justice for the public administration of justice throughout the kingdom, the chief seat of trade, was, by the successive countenance and favour of princes, strengthened with great charters and immunities, and was a corporation governed within itself; the mayor, recorder, aldermen, sheriffs, chosen by themselves; several companies incorporated within the great corporation; which, besides notable privileges, enjoyed lands and perquisites to a very great revenue. By the incredible increase of trade, which the distractions of other countries, and the peace of this, brought, and by the great license of resort thither, it was, since the access of the crown to the king, in riches, in people, in buildings, marvellously increased, insomuch as the suburbs were almost equal to the city; a reformation of which had been often in contemplation, never pursued,

wise men foreseeing that such a fulness could not be there, without an emptiness in other places; and whilst so many persons of honour and estates were so delighted with the city, the government of the country must be neglected, besides the excess, and ill husbandry, that would be introduced thereby. But such foresight was interpreted a morosity, and too great an oppression upon the common liberty; and so, little was applied to prevent so growing a disease.

As it had these and many other advantages and helps to be rich, so it was looked upon too much of late time as a common stock not easy to be exhausted, and as a body not to be grieved by ordinary acts of injustice; and therefore, it was not only a resort, in all cases of necessity, for the sudden borrowing great sums of money, in which they were commonly too good merchants for the crown, but it was thought reasonable, upon any specious pretences, to void the security, that was at any time given for money so borrowed.

So after many questionings of their charter, which were ever removed by considerable sums of money, a grant made by the king in the beginning of his reign, (in consideration of great sums of money,) of good quantities of land in Ireland, and the city of Londonderry there, was avoided by a suit in the star-chamber; all the lands, after a vast expense in building and planting, resumed into the king's hands, and a fine of fifty thousand pounds imposed upon the city. Which sentence being pronounced after a long and public hearing, during which time they were often invited to a composition, both in respect of the substance, and the

circumstances of proceeding, made a general impression in the minds of the citizens of all conditions, much to the disadvantage of the court; and though the king afterwards remitted to them the benefit of that sentence, they imputed that to the power of the parliament, and rather remembered how it had been taken from them, than by whom it was restored: so that, at the beginning of the parliament, the city was as ill affected to the court as the country was; and therefore chose such burgesses to sit there, as had either eminently opposed it, or accidentally been oppressed by it.

The chief government and superintendency of the city is in the mayor and aldermen; which, in that little kingdom, resembles the house of peers; and as subordinate the common council is the representative body thereof, like the house of commons, to order and agree to all taxes, rates, and such particulars belonging to the civil policy. The common council are chosen every year, so many for every parish, of the wisest and most substantial citizens, by the vestry and common convention of the people of that parish; and as the wealthiest and best reputed men were always chosen, so, though the election was once a year, it was scarce ever known, that any man once chosen was afterwards rejected or left out, except upon discovery of an enormous crime, or decaying in fortune to a bankrupt; otherwise, till he was called to be alderman, or died, he continued, and was every year returned of the common council.

After the beginning of this parliament, when they found by their experience in the case of the

earl of Strafford, of what consequence the city might be to them, and afterwards found, by the courage of the present lord mayor, sir Richard Gourney, who cannot be too often nor too honourably mentioned, that it might be kept from being disposed by them; and that the men of wealth and ability, who at first had concurred with them, began now to discern that they meant to lead them further than they had a mind to go; they directed their confidents, that at the election of the common councilmen by the concurrence and number of the meaner people, all such who were moderate men, and lovers of the present government, should be rejected; and in their places men of the most active and pragmatical heads, of how mean fortunes soever, should be elected: and by this means all that body consisted of upstart, factious, indigent companions, who were ready to receive all advertisements and directions from those who steered at Westminster, and as forward to encroach upon their superiors, the mayor and aldermen, as the other was upon the house of peers. And so this firebrand of privilege inflamed the city at that time.

That they might gratify the city in procuring a better answer than they had received from the king to their petition, and that they might more expose his majesty to their affronts, the house resumed the business of the Tower again, with the old reflections upon the remove of the former good lieutenant, and the putting in a rude person, and of a desperate fortune, that he might use such prisoners, as there was an intent to send thither, in such a manner as he should be directed; and that

the person, who was since put in, had put the city into great apprehensions, by the observation that was made, that he took great store of provisions into the Tower, as if he made provision for a greater garrison, which raised great jealousies; and there was a petition brought, and delivered to the houses in the names of several merchants who used to trade to the mint; and they desired that there might be such a person made lieutenant of the Tower, "as they could confide in," (an expression that grew from that time to be much used,) without which no man would venture bullion into the mint, and by consequence no merchant would bring it into the kingdom. Whereas in truth there was no gentleman of the kingdom of a better reputation amongst all sorts of men, and there had been more bullion brought into the mint in the short time of his being lieutenant, than had been in many months before: and amongst those persons, which so solemnly delivered that petition, and had all subscribed it, there were very few who had ever sent any silver into the mint. However, the house entertained the complaint as very reasonable, and sent for a conference with the lords, with whom they prevailed to join with them in a desire to the king, "that he would remove sir John "Byron from being lieutenant of the Tower;" which the king for some time refused to do, till they pressed it in another manner, which shall be mentioned anon.

The committee, that still continued to sit in London, intended no other business, but their own privileges; sent for, and examined, as hath been said, all men who had attended his majesty, or had

been casually present in the hall, or at the door of the commons' house, when the king was there: and all such examinations, as testified any extravagant discourse uttered by any loose fellow, who had accidentally put himself into the company, though it appeared he had no relation to the king's service, were carefully entered, and published; but such as declared the king's strict command against any violence or disorder, and his positive charge, that no man should presume to follow him into the house of commons, (as full proof was made to them of those particulars,) were as carefully suppressed and concealed.

The sheriffs of London were directed to appoint a guard to attend the committee, whilst it should continue at Guildhall; and then to guard the houses when they should again sit at Westminster. The accused persons, who lodged all this time in the city, were brought to the committee with much state, and sat with them to devise some way to vindicate themselves.

Then a declaration was agreed upon by the commons only, in which was set forth, "that the "chambers, studies, and trunks of Mr. Hollis, sir "Arthur Haslerig, Mr. Pym, Mr. Hambden, and "Mr. Strode, had been by colour of his majesty's "warrant sealed up; which was not only against "the privilege of parliament, but the common "liberty of every subject; that the said members "had been the same day demanded by a sergeant "at arms to be delivered to him, that he might "arrest them of high treason; that the next day "his majesty came to the house in his own person, "attended by a multitude of armed men, in a war-

" like manner, with halberds, swords, and pistols, " who came up to the very door of the house, and " placed themselves there, and in other places " and passages near to the house, to the great " terror and disturbance of the members then sit- " ting; that his majesty, sitting in the speaker's " chair, demanded the persons of those members " to be delivered to him; which was a high breach " of the rights and privileges of parliament, and " inconsistent with the liberties and freedom there- " of; that afterwards his majesty did issue forth " several warrants to divers officers under his own " hand, for the apprehension of their persons, which " by law he could not do." And thereupon they declared, " that if any person should arrest Mr. " Hollis, &c. or any other member of parliament, " by pretence of any warrant issuing out from the " king, he was guilty of the breach of the privilege " of parliament, and a public enemy of the com- " monwealth; and that the arresting any member " of parliament, by any warrant whatsoever, with- " out consent of that house, whereof he is a mem- " ber, is a breach of the privilege of parliament: " and the person that shall so arrest him is declared " a public enemy of the commonwealth."

They published, " that it did fully appear by " several examinations, that many soldiers, papists " and others, to the number of about five hundred, " came with his majesty to the house of commons, " armed; and that some of them, holding up their " pistols cocked near the door of the house, which " they kept open, said, I am a good marksman; I " can hit right, I warrant you: and said, they " would have the door open; and if any opposi-

" tion was made, they made no question but they " should maintain their party; and that some said, " A pox take the house of commons; let them be " hanged. And when the king returned from the " house, they expressed great discontent, asking, " when comes the *word:* that some of them being " demanded what they thought the company in- " tended to have done, answered, that questionless " in the posture they were set, if the *word* had " been given, they should have fallen upon the " house of commons, and have cut all their throats: " upon which they said they were of opinion, that " the soldiers and papists coming in that manner " with his majesty was to take away some of the " members of the house; and if they should have " found opposition, or denial, then to have fallen " upon the house in a hostile manner."

And they did thereupon declare, " That the " same was a traitorous design against the king and " parliament. And whereas the persons accused " had, with the approbation of the house, absented " themselves from the service of the house, for " avoiding the great and many inconveniences, which " otherwise might have happened; since which " time, a printed paper in the form of a proclama- " tion had issued out for the apprehending and " imprisoning them, suggesting, that through the " conscience of their guilt they were absent and " fled;" they did further declare, " that the said " printed paper was false, scandalous, and illegal; " and that notwithstanding that printed paper, or " any warrant issued out, or any other matter " against them, they might and ought [to] attend " the service of the house, and the committees

" then on foot; and that it was lawful for all " persons whatsoever to lodge, harbour, or con- " verse with them; and whosoever should be ques- " tioned for the same should be under the protec- " tion and privilege of parliament."

And they declared, "That the publishing the " articles of high treason against the persons " accused, was a high breach of the privilege of " parliament, a great scandal to his majesty and " his government, a seditious act, manifestly tend- " ing to the subversion of the peace of the king- " dom, and an injury and dishonour to the mem- " bers; that the privileges of parliament, and " liberties of the subject, so violated and broken, " could not be fully and sufficiently vindicated, " unless the king would be graciously pleased to " discover the names of those persons, who ad- " vised him to do the particular acts before men- " tioned, that they might receive condign punish- " ment."

This strange declaration, so contrary to the known rules and judgments of law, and to the known practice and proceedings of parliament, was no sooner framed and agreed upon in the committee, than it was printed, and published throughout the city and kingdom, before it was confirmed by, or reported to the house; which is against the law, and an express statute in that case provided, that no act done at any committee should be divulged before the same be reported to the house.

The truth is, it cannot be expressed how great a change there appeared to be in the countenance and minds of all sorts of people, in town and country, upon these late proceedings of the king.

They, who had before even lost their spirits, having lost their credit and reputation, except amongst the meanest people, who could never have been made use of by them, when the greater should forsake them; and so despairing of ever being able to compass their designs of malice, or ambition, (some of them were resuming their old resolutions of leaving the kingdom,) now again recovered greater courage than ever, and quickly found that their credit and reputation was as great as ever it had been; the court being reduced to a lower condition, and to more disesteem and neglect, than ever it had undergone. All that they had formerly said of plots and conspiracies against the parliament, which had before been laughed at, was now thought true and real; and all their fears and jealousies looked upon as the effects of their great wisdom and foresight. All that had been whispered of Ireland was now talked aloud and printed; as all other seditious pamphlets and libels were. The shops of the city generally shut up, as if an enemy were at their gates ready to enter, and to plunder them; and the people in all places at a gaze, as if they looked only for directions, and were then disposed to any undertaking.

On the other side, they who had, with the greatest courage and alacrity, opposed all their seditious practices, between grief and anger were confounded with the consideration of what had been done, and what was like to follow. They were far from thinking that the accused members had received much wrong; yet they thought it an unseasonable time to call them to account for it. That if any thing had been to be done of that kind,

there should have been a better choice of the persons, there being many of the house, of more mischievous inclinations, and designs against the king's person and the government, and were more exposed to the public prejudice, than the lord Mandeville Kimbolton was; who was a civil and well natured man, and had rather kept ill company, than drank deep of that infection and poison, that had wrought upon many others. Then sir Arthur Haslerig and Mr. Strode were persons of too low an account and esteem; and though their virulence and malice was as conspicuous and transcendent as any men's, yet their reputation and interest to do any mischief, otherwise than in concurring in it, was so small, that they gained credit and authority by being joined with the rest, who had indeed a great influence. However, if there was a resolution to proceed against those men, it would have been much better to have caused them to have been all severally arrested, and sent to the Tower, or to other prisons, which might have been very easily done before suspected, than to send in that manner to the houses with that formality, which would be liable to so many exceptions. At least, they ought so far to have imparted it to members in both houses, who might have been trusted, that in the instant of the accusation, when both houses were in that consternation, (as in a great consternation they were,) somewhat might have been pressed confidently towards the king's satisfaction; which would have produced some opposition and contradiction, which would have prevented that universal concurrence and dejection of spirit, which seized upon and possessed both houses.

But, above all, the anger and indignation was very great and general, that to all the other oversights and presumptions [was added] the exposing the dignity, and majesty, and safety of the king, in his coming in person, in that manner, to the house of commons; and in going the next day, as he did, to the guildhall, and to the lord mayor's, which drew such reproaches upon him to his face. All which was justly imputed to the lord Digby, who had before fewer true friends than he deserved, and had now almost the whole nation his enemies, being the most universally odious of any man in it.

When the house of commons had passed such votes from the committee at Merchant-Tailors' hall, as they thought necessary, and once more adjourned thither, the committee asked the advice of the house, whether the accused members might be present with them, (who had in truth directed and governed all their proceedings from the time they sat there:) which was not only approved, but those members required to attend the house the next day it was to sit, and so to continue the service of the house, which was then adjourned for three or four days, that the city might appear in such a posture, as should be thought convenient.

The noise was so great of the preparations made in the city to bring the accused members in triumph to the parliament, and that the whole militia would accompany them, whilst the seamen and mariners made an appearance in barges, and other vessels, upon the Thames to Westminster, [that] the king thought it convenient to remove again from Whitehall; and so on the tenth of January, which was the eve to the great festival, his ma-

jesty, the queen, and the royal children, went from Whitehall to Hampton-court, attended by some few of their own household servants, and thirty or forty of those officers, who had attended at Whitehall for security against the tumults.

Before his going, he sent to the earls of Essex and Holland to attend him in his journey; who were both by their places, the one being his chamberlain of his household, the other the prime gentleman of his bedchamber, obliged to that duty. The earl of Essex resolved to go; and to that purpose was making himself ready, when the earl of Holland came to him, and privately dissuaded him; assuring him, that if they two went, they should be both murdered at Hampton-court: whereupon they left the king to his small retinue and in a most disconsolate, perplexed condition, in more need of comfort and counsel, than they had ever known him; and, instead of attending their master in that exigent, they went together into the city, where the committee sat, where they were not the less welcome for being known to have been invited to have waited upon their majesties. They who wished the king best, were not sorry that he then withdrew from Whitehall; for the insolence, with which all that people were transported, and the animosity, which was infused into the hearts of the people in general against the court, and even against the person of the king, cannot be expressed.

Whilst the committee sat in London, the common council likewise met, [as hath been said,] to the end they might be ready to comply in any particulars should be desired from the city; and so the committee having resolved, "that the actions of

" the citizens of London, or of any other person " whatsoever for the defence of the parliament, " or the privileges thereof, or the preservation " of the members thereof, were according to their " duty, and to their late protestation, and the laws " of this kingdom:" and if any person should arrest or trouble any of them for so doing, he was declared " to be a public enemy of the common- " wealth:" and in the next place having resolved, " that that vote should be made known to the " common council of the city of London," the accused members about two of the clock in the afternoon on the eleventh of January, being the next day after the king went to Hampton-court, came from their lodgings in the city to Westminster, guarded by the sheriffs, and trained-bands of London and Westminster, and attended by a conflux of many thousands of people besides, making a great clamour against bishops and popish lords, and of the privileges of parliament; some of them, as they passed by Whitehall, asking, with much contempt, " what was become of the king and his " cavaliers? and whither he was gone?"

From London-bridge to Westminster, the Thames was guarded with above one hundred lighters and long-boats, laden with nablettes and murderers, and dressed up with waist-clothes and streamers, as ready for fight. And that the trained-bands of London might be under the command of a person fit to lead them, they granted a commission to captain Skippon, who was captain of the artillery-garden, to be major-general of the militia of the city of London; an office never before heard of, nor imagined that they had authority to constitute such

an officer. The man had served very long in Holland, and from a common soldier had raised himself to the degree of a captain, and to the reputation of a good officer: he was a man of order and sobriety, and untainted with any of those vices, which the officers of that army were exercised in; and had newly given over that service upon some exceptions he had to it; and, coming to London, was by some friends preferred to that command in the artillery-garden, which was to teach the citizens the posture of their arms. He was altogether illiterate, and having been bred always in Holland, he brought disaffection enough with him from thence against the church of England, and so was much caressed and trusted by that party.

This man marched that day in the head of their army to the parliament-house; where the accused members were no sooner entered, than they magnified "the great kindness and affection they had "found in the city, and their zeal to the parliament; and if their expressions of it, upon this "extraordinary occasion, had been somewhat unusual, that the house was engaged in honour to "protect and defend them from receiving any "damage." Whereupon the sheriffs of London were called into the house of commons, and thanked by the speaker for their extraordinary care, and love expressed to the parliament; and told, "that "they should have an ordinance of parliament for "their indemnity, declaring that all their actions "of respect and kindness, which they had shewed "to the lords and commons in London, and their "attending them to and at Westminster, was legal "and justifiable." The masters and officers of

ships were likewise called in, and most heartily thanked for their kindness; and sergeant-major-general Skippon appointed every day to attend at Westminster, with such a guard as he thought sufficient for the guard of the two houses. There was one circumstance not to be forgotten in the march of the city that day, when the show by water was little inferior to the other by land, that the pikemen had fastened to the tops of their pikes, and the rest in their hats, or their bosoms, printed papers of the protestation which had been taken, and enjoined by the house of commons the year before for the defence of the privilege of parliament; and many of them had the printed votes of the king's breaking their privileges in his coming to the house, and demanding their members.

As soon as the citizens and mariners were discharged, some Buckinghamshire men, who were said to be at [the] door, with a petition, and had indeed waited upon the triumph with a train of four thousand men, were called in; who delivered their petition in the name of the inhabitants of the county of Buckingham, and said it was brought to the town by about six thousand men. "They "commended the unwearied pains of the house of "commons, for redress of the pressures they had "lain under; but complained that the success was "not answerable, their endeavours being frustrated "or retarded by a malignant faction of popish "lords, bishops, and others; and now of late, to "take all that little hope, was left, from them, of a "future reformation, the very being of the parlia-"ment was shaken, the privileges thereof broken "in a desperate and unexampled manner, and the

" members thereof unassured of their lives, in " whose safety, the safety of them and their pos- " terity was involved. They held it therefore their " duty, according to their late protestation, to " defend and maintain the persons and privileges " thereof, to the utmost power of their lives and " estates; to which purpose, they said, they were " then come to make the humble tender of their " service, and would remain in expectation of " their commands and order; to the execution " whereof they would with all alacrity address " themselves, ready to live by them, or to die at " their feet, against whomsoever should in any sort " illegally attempt upon them.

" They besought them therefore to assist the " ardent prayers of the petitioners, that the popish " lords and bishops might be forthwith outed the " house of peers; that all privileges of parliament " might be confirmed to them, and that all evil " counsellors, the Achans of the commonwealth, " might be given up to the hands of justice; with- " out all which, they said, they had not the least " hope of Israel's peace, or to reap those glorious " advantages, which the fourteen months seed-time " of their unparalleled endeavours had given to " their unsatisfied expectations."

When they had received thanks for their wonderful affection, and were told, that, " by the great " care of the city of London, the parliament was " sufficiently guarded and assured; and therefore " that they might depart to their houses till further " occasion appeared, of which they should be sure " to be informed;" one of them said, " they had " another petition, which they meant to prefer to

" the king; but desired their advice, whether that " house would vouchsafe to commend it, or whether " they themselves should deliver it." For that, they received new thanks; and were wished, " that six " or eight of them should present it to his majesty " in the name of the rest;" for the house saw their wisdom and moderation such, that they presumed they of themselves were very able to manage that business.

When they had thus caressed the commons, they went to the house of lords with another petition, complaining " of the malignant faction, which ren- " dered the endeavours of the house of commons " successless," and said, " that in respect of that " late attempt upon the honourable house of com- " mons, they were come to offer their service, as " resolved in their just defence to live and die. " And therefore they did humbly pray, that that " most honourable house would cooperate with the " house of commons, in speedily perfecting the " most necessary work of reformation, bringing to " condign and unexemplary punishment both " wicked counsellors, and other plotters and delin- " quents; and that the whole kingdom might be " put into such a present posture of defence, that " they might be safe both from all practices of the " malignant party at home, and the endeavours of " any ill-affected states abroad." The lords were as civil to them as the commons had been, and gave them great thanks. And from thence they went to find out the king with another petition; in which they complained, " that Mr. Hambden, " whom they had chosen knight of their shire, and " in whom they had ever good cause to confide,

" was, to their great amazement, accused; amongst " others accused of high treason. They said, that " having taken into their serious consideration the " manner of their impeachment, they could not but " conceive that it did oppugn the rights of parlia- " ment, to the maintenance whereof their protesta- " tion did bind them; and they did believe, that " the malice, which his and the others' zeal to his " majesty's service, and the state, had contracted in " the enemies of his majesty, the church, and the " commonwealth, had occasioned that foul accusa- " tion, rather than any deserts of theirs; and that " through their sides the judgment and care of the " petitioners and others were wounded, by whose " choice they were presented to the house; and " therefore they did humbly desire his majesty, " that Mr. Hambden, and the rest, who lay under " the burden of that accusation, might enjoy the " just privileges of parliament." So from this day we may reasonably date the levying of war in England; whatsoever hath been since done being but the superstructures upon those foundations, which were then laid.

The members being in this manner placed again upon their thrones, and the king retired with his poor family to Hampton-court, they reviewed their votes, which had passed in the committee in the city, which they had caused every night to be printed without staying for the confirmation of the house; and where they had any defect, as they thought, or in the interpretation of others, they supplied them with more strength and authority. So they provided and declared, " that no member " of parliament should be arrested upon any pre-

" tence whatsoever." And because it had been insisted on, that they would not make any declaration so much against the known law, which allowed no privilege in the case of treason, felony, or breach of the peace, they now added, that " even in the " case of treason no member ought or could be " arrested, or proceeded against, without first in- " forming the house, of which he was a member, " of the charge and evidence against him, and " receiving their leave and direction for the pro- " ceeding against him." And that men might hereafter be more wary how they were made instrumental in bringing any reproach upon them, they appointed a committee to prepare a charge against Herbert, the king's attorney-general, for presuming to accuse the members of high treason; which was made ready accordingly, and prosecuted with wonderful vigour, as will be remembered hereafter.

They resolved that the king should not enjoy much ease and quiet in his retreat; and therefore every day sent some committee or other to him with petitions and expostulations: a committee of lords and commons attended him with a grievous complaint of the breach of privilege they had sustained by his coming to the house; and desired " that he " would inform them who had given him that per- " nicious counsel, that such evil counsel might be " brought to justice, and receive condign punish- " ment." And when they found that the lord Digby, whom they generally believed to be the author and contriver of all that transaction, though they could have no evidence of it, had withdrawn himself from the court, and they well enough knew had transported himself beyond the seas, they

brought witnesses to the bar, who affirmed, "that "there were, on such a day, several officers, whereof "the unbeloved Lunsford was one, assembled to-"gether at Kingston upon Thames near Hampton-"court; and that the lord Digby came thither to "them in a coach with six horses from Hampton-"court, and conferred a long time with them, and "then returned again thither." They were well satisfied with the evidence, and forthwith accused him to the house of peers of high treason, for the levying of war against the king and parliament; and a proclamation was shortly issued out for his apprehension, when all the town knew that he was safely arrived in Zealand; but they thought it fit to shew him how unsavoury a jest the sending out such proclamations was to be esteemed. They resumed the consideration of the lieutenant of the Tower; and upon new information that much provision was sent in thither every day, they sent for sir John Byron, who appeared at their bar, and gave so full answers to all the questions they asked of him, that they could not but dismiss him. However they sent again to the king to remove him, and put a fitter man into the place, and recommended sir John Coniers to him, as a man in whom they could confide; and because they did not speedily receive such an answer as they liked, they appointed their major-general Skippon to place such guards about the Tower, as might prevent the carrying in more provision of victual thither, than would serve for one day's consumption; notwithstanding which, his majesty would not consent to their desire.

All men were now in union in both houses: the lords had not yet recovered the courage to dissent

in any one proposition made to them from the commons; and in that house no man durst presume to debate the matter of privilege, how far it extended, and in what cases it was of no moment, lest he might be thought to be privy to, and a counsellor of, that heinous breach, which had given them all this credit. In this consent and concurrence, all the votes, which had passed at the committee in London, and which had been by them communicated to the common council, and so divulged throughout the city and kingdom, were confirmed; and those who objected against any expressions, which were not warrantable, reprehended for laying a tax upon the discretion of the committee.

And in one day both houses agreed in and executed three acts of sovereignty, even of as high a nature as any they have since ventured upon; the first, "in commanding the sheriffs of London, by "and with the advice of their new sergeant-major-"general Skippon, to place a guard upon, that is "to besiege the Tower of London, to hinder the "going in of any provisions, or going out of any "arms or ammunition;" the second, "in appointing sir John Hotham to go to Hull," which will be mentioned anon; the third, "in sending an "order to the governor of Portsmouth, that no-"body should be admitted into that town and "fort, or suffered to pass from thence, or any "thing to be disposed of there, but by order from "the king signified by both houses of parliament."

After this, a message was resolved upon to be sent to the governor of the prince, "that he should

" not suffer the prince to be transported out of the " kingdom, as he would answer the breach of trust " reposed in him concerning religion, and the " honour, safety, and peace of the three king- " doms;" and declaring, " that any person, who " should persuade or attend upon him in such " transportation, should be under the same cen- " sure." With these high acts of public concern- ment they joined the vindication of themselves from the late trespass from the king: and to that end caused the attorney-general to be publicly ex- amined upon interrogatories, " whether he did " contrive, frame, or advise the articles of im- " peachment against the members that were ac- " cused? whether he knew the truth of them " upon his own knowledge, or by information? " whether he would undertake to make them good, " when he should be thereunto called? from whom " he received them, and by whose direction or " advice he did exhibit them? whether he had " any testimony or proof of them before the ex- " hibiting?" And having received his answer, " that he had neither framed, nor advised them, " nor knew any thing of the truth of them, nor " could undertake to justify them; but that he " had received them from the king, and was by " him commanded to exhibit them;" they presently declared, " that he had broken the privilege of " parliament in preferring those articles, and that " the same was illegal, and he criminous for so " doing; and that a charge should be sent to the " lords, in the name of the house of commons, " against the attorney-general, to have satisfaction " for the great scandal and injury to the members

" thereof, unless he did within five days bring in " his proof, and make good the articles against " them."

So that they had now raised to themselves an unquestionable stock of security, when they had declared, " that they might neither be apprehended " by a warrant under the king's own hand, nor " indeed by himself, nor accused by his attorney- " general, except themselves were willing:" and they, who had concluded it most exactly just, that the house of peers must imprison their own members, as fast as they accused them of high treason, and, by that rule, had, within less than a week before, freed themselves of twelve bishops, who always opposed their desires, (and in a case, where every man's conscience absolved them of the guilt, of which they were charged,) thought it now unanswerable reason to evince the injustice of the king's proceedings; " because if a man should be " committed and imprisoned as soon as the king " accused him of high treason, the parliament " might be dissolved; since he might successively " accuse the whole body;" which logic, if they had not pleased to vote the contrary, would have run as well in their own case, and upon their own license of accusing, and more dangerously in respect of the house of peers, which might possibly indeed have been thereby dissolved, when by new elections that mischief would easily be prevented in the house of commons.

Though the king had removed himself out of the noise of Westminster, yet the effects of it followed him very close; for besides the Buckinghamshire petitioners, who alarumed him the same,

or the next day after he came to Hampton-court, several of the same nature were every day presented to him, in the name of other counties of the kingdom; all which were printed, and scattered abroad with the declaration of the lord Digby's levying war at Kingston upon Thames, and the proclamation for apprehending him; all which being so industriously dispersed, and without any colour, or ground of danger, but only that the kingdom might be inured to the style of the two houses, and exercised in their commands against the time that they meant to be in earnest, gave the king reason to remove in few days from Hampton-court to his castle at Windsor, where he could be more secure from any sudden popular attempt; of which he had reason to be very apprehensive, when, after those high acts of sedition at London and Westminster were declared to be according to the laws of the land, and the protestation lately taken, that protestation was by a new order enjoined to be administered throughout the kingdom, and the names of all those who refused to take it, which there was reason to believe many would upon the new gloss, returned to the house of commons, who were as severe inquisitors as could be found any where.

From thence he sent a message to both houses, "That he took notice, that his proceedings against "those persons, whom he had accused, (naming "them,) were conceived by many to be illegal, "and not agreeable to the privileges of the parliament; and that he was so desirous to give satisfaction to all men in all matters that might seem "to have relation to privilege of parliament, that

" he would wave his former proceedings; and all " doubts being by that means settled, when the " minds of men were composed, he would proceed " against them in an unquestionable way; and " assured both houses, that upon all occasions he " would be as careful of their privileges as of his " life, or his crown. To which he added, that, in " all his proceedings against those persons, he had " never the least intention of violating the least " privilege of parliament; and in case any doubt " of breach of privilege remained, he would be " willing to assert it by any reasonable way his " parliament should advise him to; and therefore " he desired them forthwith to lay by all jealousies, " and apply themselves to the public and pressing " affairs, and especially to those of Ireland, wherein " the good of the kingdom, and the true religion, " which should ever be his first care, were so " highly and so nearly concerned. And he desired " them, that his care of their privileges might " increase their care of his lawful prerogative, " which was so necessary to the mutual defence " of each other, and both would be the foundation " of a perpetual and perfect intelligence between " his majesty and parliaments, and of the hap- " piness and prosperity of his people."

But these messages were not such as they looked for; there was still left a courage for prosecution; and though the error in form seemed to be consented to, yet the substance and matter of the accusation might be still insisted on. And therefore they took no notice of them, but proceeded in inflaming all men with the sense of the breach of privilege; and finding the general mettle somewhat

to abate, that they might keep up the apprehension of danger, and the estimation of their darling the city, they consult about adjourning both houses into London; but finding some danger of infringing the act of parliament, from whence some advantage might be taken to their prejudice, till that power might be cleared by a law, they were contented to adjourn their houses as they had done for some days, and to appoint committees, qualified with more power than the houses had, to meet in London; which, for the conveniency of the common council, who took up the guildhall, chose to sit in Grocers' hall.

It was wondered, having all places so much at their devotion, that they would remove from their more convenient seats at Westminster; where they might transact whatsoever they desired without interruption, and where they were only disturbed by their own direction. But the advantage they reaped by it was extraordinary; for, besides the fears they dispersed abroad, and the confidence they gave their own friends of the city by being with them, they were sure, for the most part, to have a committee to their own hearts' desire; for besides many out of laziness or indignation would not attend the service in so unnatural a place, very many, who troubled them most in their counsels, durst not in earnest go thither, for fear of uncomely affronts, if not danger, their names being published in the tumults as disaffected persons; and [they] were those, indeed, which constituted the malignant party, which they prayed against: and they found it much easier to transact any thing con-

trived and framed by such a committee, than originally offered and debated in either house, before the mystery was understood by their proselytes, and when those, who too well understood it, did render their designs sometimes ineffectual.

The minds of men throughout the kingdom being now prepared to receive all their dictates with reverence, and to obey all their orders, and to believe that all their safety consisted in, and depended upon their authority, and there being few within the house, who had courage to oppose and contradict them, they sent to the lords to quicken them in the bill they had formerly sent to them concerning removing the bishops out of their house; which now, when there were so many of them removed into the Tower, they presumed would not meet with so great an opposition. In the house of commons they called to have the bill read, which had lain so long there, the same that had been brought in by Saint-John for the settling the militia of the kingdom; to which they now added "the putting all "the forts, castles, and garrisons, into the hands "of such persons, as they could confide in;" which was the expression they used, when they had a mind to remove any man from a place, of which he was justly possessed, "that they could not confide "in him, which they thought to be reason enough "to displace any man." When it had been with much ado accepted, and first read, there were few men who imagined it would ever receive further countenance: but now there were very few, who did not believe it to be a very necessary provision for the peace and safety of the kingdom. So

great an impression had the late proceedings made upon them; so that with little opposition it passed the commons, and was sent up to the lords.

Upon the disbanding the late army in the north, all the artillery, arms, and ammunition, that was provided for that service, had been by the king's command sent to Hull, where it still remained; and his majesty intended it should be kept there, for a magazine upon all occasions. And he had a little before these late passages sent the earl of Newcastle thither, with a private commission, to be governor thereof, as soon as it should be fit to publish such a command; and in the mean time by his own interest to draw in such of the country, as were necessary to guard the magazine. But nothing the king did in the most private manner, but was quickly known to those from whom it should most have been concealed. And so the earl of Newcastle was no sooner gone, but notice was taken of it; and he had not been three days in Hull, before the house of peers sent for him, to attend the service of that house, which he had rarely used to do, being for the most part at Richmond attending upon the prince of Wales, whose governor he was. He made no haste to return upon the summons of the house, but sent to the king to know his pleasure; who, not thinking matters yet ripe enough to make any such declaration, appointed him to come away; upon which he appeared in the house, without being asked where he had been.

But both houses shortly after moved the king, "that the magazine at Hull might be removed to

" the Tower of London, which would be very ne-
" cessary for the quieting the minds of that country,
" and abating the fears and jealousies in the hearts
" of very many, who did apprehend some design in
" the keeping so much ammunition in those north-
" ern parts:" and his majesty not giving them a speedy answer, they sent down sir John Hotham, whose estate lay within three or four miles of Hull, and [he] had some command of the trained-bands, " to be governor thereof, and to draw in such of " the country as he thought fit for the security of " the place." And though Hotham had concurred with them in all their violent ways, yet they well knew that he was not possessed with their principles in any degree, but was very well affected in his judgment to the government both in church and state, but had been first engaged by his particular malice against the earl of Strafford, and afterwards terrified by their votes against sheriffs and deputy lieutenants; and therefore they sent his son, a member likewise of the house, and in whom they most confided, to assist him in that service, or rather to be a spy upon his father. And this was the first essay they made of their sovereign power of the militia and the forts, whilst their bill was yet depending, and was a sufficient manifestation what they intended to do, when it should be passed; towards which they made all the haste they could, exercising the king's patience every day with some unsavoury message to him, upon their privileges, and requiring " vindication, and repa-
" ration, and discovery of the persons who had
" promoted that prosecution;" and the council once

a week attending upon his majesty at Windsor, though he could not consult with them upon what most concerned him.

In this sad condition was the king at Windsor, fallen in ten days from a height and greatness that his enemies feared, to such a lowness, that his own servants durst hardly avow the waiting on him. For though, it is true, the acts of the house of commons, and the tumults, were as great affronts to majesty, before this last act upon the members, as any that could be imagined possible to succeed, yet the house of peers was well disposed, and might have been managed with a little patience, to have blasted all the extravagances of the commons. And the truth is, the greatest extravagances appeared to the standers-by to be but the attempts of persons in despair, and the strong accents of men at the last gasp. And, without doubt, if the king could have had the patience to have sat still a spectator of the dissensions between the two houses, and encouraging the lords, who were firm to him, and putting those matters in issue; wherein the commons had invaded both his and the lords' privileges; if he had commanded his council at law and the judges, to have proceeded by the strict rules of the law against seditious persons at large, for preaching and printing against the peace of the kingdom, and put the commons' house either to have been quiet, whilst their champions were exemplarily punished, (which would have put a speedy end to their license,) or to have appeared the champions for an infamous act against the law and the justice of the kingdom, their jurisdiction would in a short time have been brought

within the due limits, and the stoutest factor for the violent party been glad to have compounded for an act of oblivion.

And I have heard from credible persons, that the chief of that faction afterwards confessed, that if that extraordinary accident had not happened to give them new credit and reputation, they were sinking under the weight of the expectation of those whom they had deluded, and the envy of those whom they had oppressed. I am sure, they who out of conscience, and loyalty to their king and country, diligently attended the public service, were strangely surprised at the matter and manner of that accusation; and foresaw, from the minute, the infinite disadvantage it would bring to the king's affairs. Not that they thought the gentlemen accused, less guilty; for their extreme dishonest arts in the house were so visible, that nothing could have been laid to their charge incredible: but the going through with it was a matter of so great difficulty and concernment, that every circumstance ought to have been fully deliberated, and the several parts dispensed into such hands, as would not have shaken in the execution. And the saying, that the king had not competent persons enough, whom he might trust in so important a secret, (which I believe was true,) is only an argument, that the thing was not to be attempted at all, than that it was to be attempted in that manner; for whoever would have betrayed the trust, would be sure to find fault with it, when it was endeavoured without him, especially if it miscarried. The truth is, there was little reason to believe, that the house of peers would commit the lord Kimbolton upon the accusa-

tion of Mr. Attorney in that conjuncture of time; and less that the house of commons would deliver up their members to the sergeant at arms, when they should be demanded; which was an irregular thing, and implied unreasonably, that they had some power to keep them, who were desired to deliver them. Yet if the choice had been better made, and the several persons first apprehended, and put into distinct close custodies, that neither any body else should have heard from them, nor they one from another, all which had not been very difficult, the high spirit of both houses might possibly have been so dejected, that they might have been treated withal. But even that attempt had been too great for the solitary state the king was at that time in; which was most naturally to have been improved by standing upon his guard, and denying all that was in his power to deny, and in compelling his ministers to execute the law in those cases, that demonstrably concerned the public peace.

The committee at Grocers' hall, very exalted to find no opposition in any thing they desired from both houses, resolved to make what advantage they could of that season of their power; and therefore, not vouchsafing to return any answer to the king's messages of retractation, they concluded upon "a new remonstrance to be made of the state "of the kingdom; in which they would present to "the king's view the causes of the present evils and "distractions, and propose to him, by way of ad-"vice, the remedies that in their opinion he was to "apply to those evils.

"The causes they agreed to be, the evil council

" about the king and queen, disposing all occur-
" rences of state, and abusing the king's power
" and authority to the prejudice of religion, the
" hazarding the public peace, and strengthening a
" malignant party in the kingdom; the influence
" which the priests and Jesuits had upon the affec-
" tions and counsels of the queen, and the admis-
" sion of her majesty to intermeddle with the great
" affairs of state, and with the disposing [of]
" places and preferments of the highest concern-
" ment in the kingdom; whereby those of great
" power and authority were engaged to favour
" such designs, as were infused into her majesty
" by those of that religion: the want of a due re-
" formation of the church-government, and liturgy
" then used; the want of a preaching ministry,
" and a competent maintenance for them; the over
" strict pressing of divers ceremonies in the liturgy
" and rubrick, and the pressing other ceremonies
" not enjoined by law; the votes of the popish
" lords in the house of peers, which was a hinder-
" ance of the reformation, and a protection of the
" malignant party; the preferring such as had ad-
" hered to delinquents, and the displeasure shewed
" against those who had been used as witnesses in
" the prosecution of them; the breaches of the
" privileges of parliament; and the managing the
" great affairs of the realm in cabinet councils by
" men unknown, and not publicly trusted; the pre-
" ferring men to degrees of honour and offices, and
" displacing others, in parliament time, and without
" the consent of that council; and many other par-
" ticulars; to which they thought these remedies
" most natural, and proper to be applied.

"That all privy-counsellors, and others of trust "and employment beyond the seas, should be re- "moved from their places, and only such admitted, "as should be recommended to the king by both "houses of parliament; and that such counsellors "and officers, as should be so displaced, and not "again recommended, should not have access to "the courts of the king and queen: that all priests, "papists, and ill-affected persons, though profess- "ing the protestant religion, should be removed "from the queen's person, and from having any "office or employment under her, and that all her "servants should take such an oath as should be "devised by parliament; that he, or she, would "not at any time, directly or indirectly, by him, or "herself, or any other, move or petition, or solicit "her majesty in any matter concerning the state "and government of the kingdom, or concerning "any favour or immunity to be conferred upon any "papists, or for any honour, preferment, or employ- "ment of any person whatsoever.

"That the king would remove from about his "own person, and the queen's, and from both their "courts, Mr. William Murray, Mr. Porter, Mr. "John Winter, and Mr. William Crofts, being all "persons of evil fame, and disaffected to the public "peace and prosperity of the kingdom, and instru- "ments of jealousy and discontent between the "king and the parliament, &c. that the king would "not entertain any advice or mediation from the "queen in matters of religion, or concerning the "government of any of his dominions, or for the "placing or displacing of any great officers, coun- "sellors, ambassadors, or agents beyond the seas,

" or any of his servants attending his royal per-
" son, either in his bed-chamber, or privy-cham-
" ber, or attending the prince, or any of the royal
" issue after they shall attain to the age of five
" years.

" That the queen should take a solemn oath, in
" the presence of both houses of parliament, that
" she would not hereafter give any counsel, or use
" any mediation to the king, concerning the dis-
" posing of any offices or places above mentioned,
" or at all intermeddle in any of the affairs of state,
" or government of the kingdom: that all officers
" and counsellors, that should be employed in any
" of the places before mentioned, should take a
" solemn oath, that they had not made use of any
" power or mediation of the queen, directly or in-
" directly, for their preferment, or in obtaining
" any such place or employment: that the affairs
" of the kingdom should not be concluded or trans-
" acted by the advice of private men, or by any
" unknown or unsworn counsellors, but such mat-
" ters as were fit for the council, by the privy-
" counsellors only; and such as were fit for the
" parliament, by the parliament only.

" That no person whatsoever, under the penalty
" of treason, should presume to solicit or further
" any proposition for the marriage of any of the
" king's children with any prince or person of the
" popish religion; and that no marriage for any of
" the king's children should be concluded with any
" prince or person whatsoever, without the consent
" and advice of both houses of parliament: that
" none of the king's children, except the princess
" Mary then affianced, should at any time go be-

" yond the seas without the consent of both houses " of parliament; and that no person, under penalty " of high treason, should assist, or attend any of his " majesty's children in any such voyage beyond the " seas, without the like consent of both the houses " of parliament.

" That no mass, or popish service, should be " said in the courts of the king or queen, or in the " house of any subject of the kingdom; and that " more laws should be made against the papists; " and all the priests which were condemned should " be forthwith executed. That the votes of popish " lords might be taken away; and a reformation " [made] of the church-government and liturgy " by the parliament; and that no penalty should " be incurred for omission of any ceremony, till the " reformation should be perfect: that all delin- " quents should be subject to such penalties and " forfeitures as should be agreed on, and imposed " by bill, in both houses of parliament: that such " as should be declared in parliament to adhere to " any delinquents, and had thereupon received any " preferment from the king, should be removed " from such preferment; and such as should be " declared by both houses to have been employed " and used against delinquents, and had thereupon " fallen into the king's displeasure, and been put " from their places, should be restored to their " places, and his majesty's favour.

" That every person, who, being a member of " the house of commons in that parliament, had " been accused of any offence against that house, " and, the accusation depending, had been called " up to the house of lords in the quality of a peer,

" should by act of parliament be put out of that " house; and that hereafter no member of the " house of commons should without their consent " be called up to be a peer, except in case of de- " scent: that no person, which should hereafter " be made a peer of the realm, should be admitted " to have his seat, or vote in the house of peers, " without the consent of both houses of parlia- " ment: that those members of the house of com- " mons, who had this parliament been called to the " house of peers, except in case of descent, should " be excluded from giving their votes in the house " of peers, unless both houses of parliament should " assent thereunto: that no member of either " house of parliament should be preferred or dis- " placed, sitting the parliament, without the con- " sent of that house, whereof he was a member: " that such of either house as had been preferred " to any place or office, during the parliament, " might be put out of those offices and places.

" That the king would declare the names of " those who advised him to the accusation of the " members, and all the particulars that ensued " upon that accusation; and that he would make " public declaration and promise in parliament, " never more to receive information from any man " to the prejudice of any member of either house, " for any thing done in that house, without disco- " vering the name of such person who gave him " such information."

These, and many other particulars of the like nature, were the results of that committee at Grocers' hall; which I insert here, being the proper time of their birth, that the world may see

what their projections were in the infancy of their visible power and advantage, though they were not digested into avowed propositions till long after, as the effects of riper divisions, and fuller grown jealousies. For by that time they had shaped and formed these devices, they found the eyes of the people not to be so universally shut as they had been; and that the king's coming to the house of commons, or the accusing the members, was not more spoken of than the tumults, and the driving the king out of London, and not suffering him to be quiet at Hampton-court; then that the lords begun to take new courage, and though they were somewhat intoxicated with the matter of privilege, yet that they thought a trespass capable of reparation, and so were willing to receive any overture from the king to that purpose. They concluded therefore, "the time was not yet ripe to do all at "once, till more men were engaged," and resolved, "with more patience to win their ground "by inches."

The king continued at Windsor to expect the end, or the issue of this tempest; and finding that they hardly would take notice of his former messages, but proceeded in the high ways of destruction, for he had advertisement of their most secret combinations, resolved to send such a message to the two houses, whose united reputation was yet too great to struggle with, as might at least divide those, who desired the public peace, from the ministers of confusion: and so on the twentieth of January sent this proposition and message to them in writing, "for preventing those evils, which the "manifold distractions threatened to the kingdom;

" that they would with all speed fall into a serious " consideration of all those particulars, which they " held necessary, as well for the upholding and " maintaining the king's just and regal authority, " and the settling his revenue, as for the present " and future establishment of their privileges the " free and quiet enjoying of their estates and for- " tunes, the liberties of their persons, the security " of the true religion now professed in the church " of England, and the settling of ceremonies in " such a manner, as might take away all just of- " fence; which when they should have digested, " and composed into one entire body, that so his " majesty and themselves might be able to make " the more clear judgment of them, it should then " appear, by what his majesty would do, how far " he had been from intending or designing any of " those things, which the too great fears and jea- " lousies of some persons seemed to apprehend; " and how ready he would be to equal and exceed " the greatest examples of the most indulgent " princes in their acts of grace and favour to their " people; so that, if all the present distractions, " which so apparently threatened the ruin of the " kingdom, did not, by the blessing of Almighty " God, end in a happy and blessed accommodation, " his majesty would then be ready to call heaven " and earth, God and man, to witness, that it had " not failed on his part."

This message was received by the lords with great signs of joy, insomuch that they desired the commons to join with them in returning their joint thanks to his majesty for his gracious offer, and to assure him, " that they would forthwith apply

" themselves to those considerations he proposed." However the next day they joined together in a petition to the king, " that he would, within very " few days, send in his proofs, and proceed against " the members he had accused of high treason, or " declare them to be innocent, and himself to be " ill advised :" to the which he answered, " that " he was ready to proceed against them ; but, that " there might be no new mistakes in the way, and " form of the proceedings, he desired, that it might " be first resolved, whether his majesty were bound " in respect of privileges to proceed against them " by impeachment in parliament, or whether he " were at liberty to prefer an indictment at com- " mon law in the usual way, or whether he had his " choice of either: before that was resolved, his " majesty thought it unusual and unfit to discover " what proof he had against them; but then, he " would give such speedy direction for prosecution, " as might put a determination to the business."

This gave them new offence and trouble; and if the king's council had had the courage to have insisted upon the matter of law, and the lords would have given them reasonable countenance, they would have been much puzzled to have procured a resolution, that would have served their purposes to all parts, and been contented to have suspended their judgment, that so the king might have suspended his prosecution. For if the judges had been compelled to deliver their opinions in point of law, which they ought to have been, they could not have avoided the declaring, that by the known law, which had been confessed in all times and ages, no privilege of parliament could extend in the case of

treason; but that every parliament-man was then in the condition of every other subject, and to be proceeded against accordingly. In the next place, as they would never have ventured themselves upon the house of peers under an impeachment, and thereby made them their judges, which indeed was incongruous, every subject being to be tried for his life *per pares*, and *per legem terræ*, to both which the lords and the impeachment [were] directly opposite; so they would less have trusted an indictment at law, and a well chosen sober jury, who had been bound to follow their evidence of fact, and were not judges of the law, which was severe in any conspiracy against the crown, or the persons of king or queen.

But having shut the doors against any mention of law, they made no scruple of resolving, and answering his majesty, "that they were first to see "the evidence he had to prove the guilt, before "they could give any direction for the manner of "the prosecution, and proceeding;" which they grounded upon a maxim, they had established three or four days before, though never till then heard of; "that no member of parliament, for "what offence soever, could be arrested, or pro- "ceeded against, but by the consent of that house, "of which he was a member; and then, they said, "they could not give or deny their consent by any "other measure than the knowledge of the crime "and proof, upon which such member stood ac- "cused." Which conclusion had been reasonable, if the assumption had been just; whereas the argument was to be inverted, that their consent was not to be asked, because they had no cognizance of

the crime, of which their members were accused, nor were judges whether their accusation were valid in law, or sufficiently proved in fact.

It is not to be believed how many sober, well-minded men, who were real lovers of the peace of the kingdom, and had the known laws in full submission and reverence, were imposed upon, and had their understandings confounded, and so their wills perverted, by the mere mention of privilege of parliament; which, from the most defined, limited notion, was, by the dexterity of those boutefeus, and their under-agents of the law, and the supine sottishness of the people, rendered such a mystery, as could be only explained by themselves, and extended as far as they found necessary for their occasions, and was to be acknowledged a good reason for any thing that no other reason could be given for. "We are," say they, "and "have been always confessed, the only judges of "our own privileges; and therefore whatsoever "we declare to be our privilege, is such: other-"wise whosoever determines that it is not so, "makes himself judge of that, whereof the cogni-"zance only belongs to us." And this sophistical riddle hath perplexed many, who, notwithstanding the desperate consequence they saw must result from such logic, taking the first proposition for true, which, being rightly understood, is so, have not been able to wind themselves out of the labyrinth of the conclusion: I say the proposition rightly understood: they are the only judges of their own privileges, that is, upon the breach of those privileges, which the law hath declared to be their own, and what punishment is to be inflicted

upon such breach. But there can be no privilege, of which the law doth not take notice, and which is not pleadable by, and at law.

The truth and clearness of this will best appear by instance: if I am arrested by process out of any court, I am to plead in the court, that I am a member of parliament, and that, by the privilege of parliament, my person ought to be free from arrests. Upon this plea the judge is bound to discharge me; and if he does not, he is criminous, as for any other trespass against the law: but the punishing the person, who hath made this infringement, is not within his power, but proper to that jurisdiction, against which the contempt is; therefore that house, of which I am a member, upon complaint made of such an arrest, usually sends for the persons culpable, the party at whose suit the arrest is made, and the officers which executed it, and commits them to prison, till they make acknowledgment of their offence. But that house never sends, at least never did till this parliament, any order to the court, out of which the process issued, to stay the proceedings at law, because the privilege ought to be legally pleaded. So, after the dissolution of parliament, if I am arrested within the days of privilege, upon my plea of privilege the court discharges me; but then the party that arrests me escapes punishment till the next parliament, the judge having no more power to commit the man that sued or arrested me, than he hath to imprison a man for bringing an action at law, when he hath no good title; neither is he judge of the contempt.

Again: If a man brings an information, or an action of the case, for words spoken by me, and I

plead, that the words were spoken by me in parliament, when I was a member there; and that it is against the privilege of parliament, that I should be impleaded in any other place, for the words I spake there; I ought to be discharged from this action or information, because this privilege is known, and pleadable at law: but that judge can neither punish nor examine the breach of privilege, nor censure the contempt. And this is the true and proper meaning of the old received axiom, that they are judges only of their own privileges.

And indeed these two, of freedom from arrests for their persons, (which originally hath not been of that latitude to make a parliament a sanctuary for bankrupts, where any person outlawed hath been declared incapable of being returned thither a member,) and of liberty of speech, were accounted their chiefest, if not their only privileges of parliament: for their other, of access to the king, and correspondence by conference with the lords, are rather of the essence of their councils, than privileges belonging to it. But that their being judges of their privileges should qualify them to make new privileges, or that their judgment should create them such, as it was a doctrine never before now heard of, so it could not but produce all those monstrous effects we have seen; when they have assumed to swallow all the rights and prerogative of the crown, the liberties and lands of the church, the power and jurisdiction of the peers, in a word, the religion, laws, and liberties of England, in the bottomless and insatiable gulph of their own privileges; and no doubt will determine this digression

to be the most unparalleled and capital breach of those privileges, that had ever yet been attempted.

In the address, which the house of commons prepared for acknowledgment of the king's grace and favour in his message of the twentieth of January, they had desired, "that for a ground of their "confidence, and removal of jealousies, that they "might apply themselves to give his majesty satis-"faction in the method he proposed, his majesty "would presently put the Tower of London into "the hands of such a person, as both houses "should recommend to him:" in which the lords differed with them; as well for that the disposal of the custody thereof was the king's peculiar right and prerogative, as likewise that his majesty had committed the charge thereof to sir John Byron, a person of a very ancient family, an honourable extraction, good fortune, and as unblemished a reputation as any gentleman of England. The commons, much troubled that the lords should again take the courage to dissent from them in any thing, resolved to press the king upon their own score, and to get the recommendation of so great an officer to themselves.

And therefore on the six and twentieth day of January, they sent a petition to him in the name of the knights, citizens, and burgesses, of the commons' house assembled in parliament; in which they took notice "of the gracious message from "his majesty of the twentieth instant, for which "they returned most humble thanks, resolving to "take it into speedy and serious consideration; "and said, to enable them with security to dis-

" charge their duties therein, they had desired the " house of peers to join with them in humbly be- " seeching his majesty to raise up unto them a sure " ground of safety and confidence, by putting the " Tower, and other principal forts of the kingdom, " and the whole militia thereof, into the hands of " such persons as his parliament might confide in, " and as should be recommended unto him by both " houses of parliament; that, all fears and jealousies " being laid aside, they might with cheerfulness pro- " ceed to such resolutions, as they hoped [would] " lay a sure foundation of honour, greatness, and " glory to his majesty, and his royal posterity, and " of happiness and prosperity unto his subjects, " throughout all his dominions; wherein the house " of peers had refused to join with them. But they, " notwithstanding, no way discouraged, but con- " fiding in his majesty's goodness to his people, did " therefore make their humble address to him to " beseech him, that the Tower of London, and " other principal forts, and the whole militia of the " kingdom, might be put into the hands of such " persons as should be recommended to him by " the house of commons; not doubting but they " should receive a gracious and speedy answer to " that their humble desire, without which, in all " human reason, the great distractions of the king- " dom must needs overwhelm it with misery and " ruin."

The king was not troubled at the receipt of this petition, glad that, since they could not be brought to such a degree of reasonableness, as might make up all breaches, they would be so peremptorily unreasonable as might probably sever those from

them, who were not as desperate as themselves; and he hoped, that when the people should observe that this grasping of the militia of the kingdom into their own hands, as an expedient for the composing their high-grown fears and jealousies, was no more than they desired the summer before, when sir Arthur Haslerig brought in his bill into the house of commons, which is before remembered, when that title of fears and jealousies was not discovered; and when the peers should observe, that the house of commons insolently demanded, by their own single suffrage, the deputing men to that prodigious trust, they would both conclude, that those immodest askers were not only fit to be denied, but reformed: yet believing that real and just fears would grow up, to discountenance and suppress those imaginary ones, his majesty vouchsafed a very soft and dispassionate answer to that petition; and told them, "that he hoped his gracious mes-"sage would have produced some such overture, "as, by offering what was fit on their parts to do, "and by asking what was proper for him to grant, "might have begot a mutual confidence in each "other. Concerning the Tower of London, that "he did not expect, having preferred a person of "a known fortune, and unquestionable reputation, "to that trust, that he should have been pressed "to remove him without any particular charge ob-"jected against him: however, that if, upon due "examination, any particular should be presented "to him, whereby it might appear he was mistaken "in his good opinion of that gentleman, and that "he was unfit for the trust committed to him, he "would make no scruple of discharging him;

" otherwise, he was obliged, in justice to himself, " to preserve his own work, lest his favour and " good opinion might prove a disadvantage and " misfortune to his servants, without any other " accusation; of which he hoped his house of " commons would be so tender, as of a business, " wherein his honour was much concerned, as, if " they found no material exceptions against that " person, they would rather endeavour to satisfy " and reform the fears of other men, than, by com- " plying with them, press his majesty to any thing, " which did so much reflect upon his honour and " justice.

" For the forts and castles of the kingdom, that " he was resolved they should always be in such " hands, and only in such, as the parliament might " safely confide in; but the nomination of any " persons to those places, being so principal and " inseparable a flower of his crown, vested in him, " and derived to him from his ancestors by the " fundamental laws of the kingdom, he would re- " serve to himself; in bestowing whereof, as he " would take care that no corrupt or sinister courses " should prevail with him, so he was willing to " declare, that he should not be induced to express " that favour so soon to any persons, as to those " whose good demeanour should be eminent in, or " to his parliament. And if he then had, or should " at any time, by misinformation, confer such a " trust upon an undeserving person, he was, and " would always be, ready to leave him to the " wisdom and justice of his parliament.

" For the militia of the kingdom, which by the " law was subject to no command but of his

" majesty, and of authority lawfully derived from " him, he said, when any particular course for " ordering the same should be considered, and " digested, and proposed to him, he would return " such an answer as should be agreeable to his " honour, and the safety of his people, he being " resolved only to deny those things, the granting " whereof would alter the fundamental laws, and " endanger the very foundation, upon which the " public happiness and welfare of his people was " founded and constituted, and which would nourish " a greater and more destructive jealousy between " the crown and the subject, than any of those, " which would seem to be taken away by such a " satisfaction.

" He said, he was not willing to doubt, that his " having granted more than ever king had granted, " would persuade them to ask more than ever sub- " jects had asked: but if they should acquaint him " with the particular grounds of their doubts and " their fears, he would very willingly apply remedies " proportionable to those fears; for he called God " to witness, that the preservation of the public " peace, the law, and the liberty of the subject, " was, and should always be, as much his care and " his industry as of his own life, or the lives of his " dearest children.

" And therefore he did conjure them by all the " acts of favour they had received from him this " parliament, by their hopes of future happiness in " his majesty, and in one another, by their love of " religion, and the peace of the kingdom, in which, " he said, that of Ireland was included, that they " would not be transported by jealousies, and ap-

" prehensions of possible dangers, to put them-
" selves, or his majesty, into real and present in-
" conveniences; but that they would speedily pur-
" sue the way proposed by his former message,
" which, in human reason, was the only way to
" compose the distractions of the kingdom, and,
" with God's blessing, would restore a great mea-
" sure of felicity to king and people."

This answer being not only a denial, but such an expostulation as would render their counsels of less reverence to the people, if upon those reasons they should recede from what they had with that confidence, and disdain of the house of peers, demanded of the king; and therefore they resolved to set up their rest upon that stake, and to go through with it, or perish in the attempt. And, to this purpose, they again muster up their friends in the city, and send their emissaries abroad, to teach the people a new language. All petitions must now desire, " that the kingdom might be put into
" a posture of defence, and nothing else would
" serve to defend them from the many plots and
" conspiracies against them, or secure them from
" their own fears and jealousies." More petitions were presented to the house of commons by some citizens of London, in the name of those merchants, that usually traded to the mint with bullion; who pretended " that their fears and jealousies were
" so great, that they durst not carry their bullion
" to the Tower, being not satisfied with the present
" lieutenant of the Tower; and therefore desired
" that he might be removed;" and to that purpose; whereas in truth there was at that time, and from the time that that gentleman was lieutenant, more

bullion brought in to be coined, than in the same time for seven years before; neither was there one man of those who subscribed that petition, who ever brought pound weight of bullion to the mint in his life. So that these cheats were too gross to do their business by, and they were quickly supplied with more powerful arguments.

They had wholly undertaken the managing of the war in Ireland, and really, for many reasons, neither did use, nor desired to use, any great expedition in that work; yet having with great industry infused into the minds of the people at least a suspicion that the court favoured that rebellion, they always made use of the slowness in those proceedings to the king's disadvantage. About that time, they had desired the city to furnish them with one hundred thousand pounds, for the levying and accommodating forces to be sent into that kingdom, which gave the common council, where such loans were always transacted, opportunity to return their opinions, and advice upon the general state of affairs. They said, "they could lend no "more money by reason of those obstructions, "which threatened the peace of this kingdom, and "had already rendered that even desperate: that "the not passing the bill [against] pressing of "soldiers, which still depended with the lords, "upon those reasons formerly mentioned at large, "put many men into fears, that there was some "design rather to lose that kingdom, and to con-"sume this in the loss of it, than to preserve either "the one or the other; and that the rebels were "grown so strong there, that they made account "speedily to extirpate the British nation in that

" kingdom; and that they intended then, as they " already bragged, to come over, and make this " the seat of the war.

" That the not putting the forts into such hands, " in whom the parliament might confide, the not " settling the kingdom in a posture of defence, the " not removing the present lieutenant of the Tower, " and putting such a person into that place, as " might be well approved by the parliament, could " not but overthrow trading more and more, and " make monies yet more scarce in the city and " kingdom. That the misunderstanding between " the king and parliament, the not vindicating the " privileges thereof, the charging some members " of treason to the deterring of others from dis- " charging their duties, and to the destroying the " very being of parliaments, did exceedingly fill " the minds of men well affected to the public, " with many fears and discouragements; and so " disable them from yielding that cheerful assist- " ance, which they would be glad to afford. That " by means of these there was such a decay of " trading, and such scarcity of money, neither of " which could be cured, till the former evils were " removed, as it was like, in very short time, to " cast innumerable multitudes of poor artificers " into such a depth of poverty and extremity, as " might enforce them upon some dangerous and " desperate attempts, not fit to be expressed, much " less to be justified; which they left to the house " speedily to consider, and prevent. These evils, " under which they did exceedingly labour and " languish, they said, did spring from the employ- " ing of ill affected persons in places of trust and

" honour in the state, and near to the person of " the king; and that they were still continued by " means of the votes of bishops, and popish lords, " in the house of peers. And so having faithfully " represented, they said, the true reasons, which " really enforced them to return that answer, they " craved leave to protest before God and the high " court of parliament, that if any further miseries " befell their dear brethren in Ireland, or if any " mischief should break in upon this kingdom, to " the endangering or disturbing [the peace] there- " of, it ought not to be imputed to them, but only " to such, who should endeavour to hinder the " effectual and speedy cure of those evils before " recited, which did so much disable and discourage " them from doing that which the house had " desired of them."

At the same time were presented other petitions, subscribed by many thousand hands, and in the names of the knights, gentlemen, and freeholders, and other inhabitants, of the counties of Middlesex, Essex, and Hertford; all which severally inveighed against the malignant party, which rendered the good endeavours of the house of commons fruitless; " desired that the votes of the bishops, and popish " lords, might be taken out of the house of peers; " that they might be put into a posture of defence, " and the forts, and castles of the kingdom, into " such hands as the parliament might confide in; " that so Ireland might be relieved, and this king- " dom made happy: one of them adding, that the " malignant party of prelates and papists, and their " adherents, were inconsistent with the happy " success of the parliament." These petitions, and

the answer of the common council of London, were thought ample materials for a conference with the lords, who might be thereby remembered of their duty; and to that purpose Mr. Pym delivered them at a conference, and after they were read, told them, "that their lordships might in those petitions hear "the voice, or rather the cry of all England; "and that they were not to wonder if the urgency, "the extremity of the condition we were all in, did "produce some earnestness and vehemency of ex-"pression more than ordinary; the agony, terror, "and perplexity, in which the kingdom laboured, "was universal, all parts were affected with it; "and therefore in those petitions they might ob-"serve the groans and miserable complaints of all." After a long discourse of the great and notorious dangers the kingdom was in, by invasions threatened from abroad, and insurrections from within, he told them, "the obstructions, that had brought "them into that distemper, were principally the "obstruction of reformation in matters of religion, "and that there was never church or state afflicted "with more grievances of that kind, than we had "been; and that though they were partly eased and "diminished by the wisdom of the parliament, yet "many still remained; and as long as the bishops, "and the corrupt part of the clergy, continued in "their power, there would be little hope of free-"dom, either from the sense of those that conti-"nued, or the fear of those which were removed. "And of that obstruction, he said, he must clear "the commons, who were in no part guilty of it. "Some good bills they had already passed, and "others were in preparation, and might have been

" passed before that time, if they had not found " such ill success in the other [house]: what- " soever mischief that obstruction should produce, " they were free from it; they might have their " part of the misery, they could have none in the " guilt or dishonour."

He told them, " there was a great obstruction " in trade, which brought food and nourishment to " the kingdom; and then having enlarged himself " with enumeration of the notable benefits the " kingdom received by the fulness of trade, he said, " he must protest, the house of commons had given " no cause to that obstruction: they had eased " trade of many burdens, and heavy taxes, and " had freed it from many hard restraints by patents " and monopolies; they had sought to put the " merchants into security and confidence in respect " of the Tower of London, that so they might be " invited to bring in their bullion to the mint, as " heretofore they had done; they were no way " guilty of the troubles, the fears, and public " dangers, which made men withdraw their stocks, " and keep their money by them, to be ready for " such sudden exigents, as, in those great distrac- " tions, they had too great cause to expect.

" There was an obstruction, he said, in the relief " of Ireland; but he must declare the commons " were altogether innocent of any neglect therein; " they had agreed to the levies of men and money, " and, from time to time, done all for the further- " ance thereof, though in the midst of many dis- " tractions and diversions; but the wants of com- " missions for levying men, that was the bill " [about] pressing, and divers other impediments,

" had been the causes of that obstruction. Nay, " he said, he did not only find impediments to " themselves, but encouragement to the rebels; " for many of the chief commanders now in the " head of the rebels, after both houses had stopped " the ports against all Irish papists, had been " suffered to pass, by his majesty's immediate " warrants, much to the discouragement of the " lords justices and council there, and were pro- " cured by some evil instruments too near his " royal person, and, they believed, without his " knowledge and intention."

He said, " there was an obstruction in providing " for the defence of the kingdom, that they might " be enabled to resist a foreign enemy, and to " suppress all civil insurrections: what endeavour " they had used to remove them, but hitherto " without that success and concurrence which they " expected, and where their stop had been, and " upon what grounds they might proclaim their " own innocency and faithfulness in that particular, " they desired no other witnesses but their lord- " ships."

He told them, " the evil influences, which had " caused that distemper, were the evil councils " about the king, the great power, that a factious " and interested party had in parliament by the " continuance of the votes of the bishops, and " popish lords, in their lordships' house, and the " taking in of others out of the house of commons, " and, otherwise to increase their strength, the " fomenting a malignant party throughout the " kingdom, the jealousies between the king and " his parliament." And after many bitter and

seditious expressions of the court, and of all those who were not of his mind, he concluded, "that he "had nothing to propose to their lordships by way "of request or desire from the house of commons; "he doubted not, but their judgments would tell "them what was to be done; their consciences, "their honours, their interests, would call upon "them for the doing of it. The commons would be "glad to have their help and concurrence in saving "of the kingdom; but if their lordships should "fail, it should not discourage them in doing their "duty; and whether the kingdom be lost, or "saved, they should be sorry, that the story of "this present parliament should tell posterity, "that, in so great a danger and extremity, the "house of commons should be enforced to save "the kingdom alone, and that the house of peers "should have no part in the honour of the pre-"servation of it, they having so great an interest "in the good success of those endeavours, in "respect of their great estates, and high degrees "of nobility."

As soon as this conference was ended, the speaker of the house of commons was appointed to give Mr. Pym solemn thanks for his so well performing that service, and to require him to deliver his speech in writing into the house, to the end it might be printed; which was done accordingly, to the end that the people might understand, besides those reproaches upon the king, how negligent the house of peers were of their welfare and security.

The same day and hour after that conference, a great number of people, in the name of the in-

habitants of the county of Hertford, presented a petition to the house of peers; in which, amongst other particulars, "they complained of the delay "of putting the kingdom into a posture of war "for their better defence, and the want of compli- "ance by that honourable house with the house "of commons in entertaining those many good "motions, and passing those necessary bills pre- "sented to them from that house for the common "good. And therefore they desired them, for the "better removing of all the causes and springs of "their fears and troubles, that the evil counsellors, "and others hindering the public good, might "be taken from his majesty, and the voting of "the popish lords and bishops removed out of "that honourable house: and that the petitioners, "who would be ever ready to hazard their lives "and estates for the defence of the king and par- "liament, the privileges of the same, and in special "those noble lords and gentlemen in both houses, "whose endeavours were for the public good, "might have liberty to protest against all those, "as enemies to the kingdom, who refused to join "with those honourable lords and the house of "commons, for the putting the kingdom into a "way of safety, under the command of such "persons, as the parliament should appoint." But neither this, nor any of the other proceedings were resented by the house of peers, though their privileges were not only invaded, but the very freedom and liberty of parliament were absolutely taken away and destroyed thereby.

When the house of commons found that none of these extraordinary ways would throughly sub-

due the house of lords, but that, though they had very sturdy champions there, the major part, albeit the bishops and all the recusant lords were driven from thence, still opposed them, whereby neither the bill for the taking away the bishops' votes, nor [about] pressing, could pass, and that they peremptorily still refused to join in the business of the militia; they found a new way, as unpractised and as unnatural as any of the former, whereby they would be sure to have an influence upon the house of peers. It is an old custom, and privilege of that house, that upon any solemn debate, whosoever is not satisfied with the conclusion and judgment of the house, may demand leave to enter his protestation, which must be granted. The original of this was in jealous times, when men desired, for avoiding the ill consequence of any act there, that their dissents might appear; and was very seldom practised, but when they conceived religion, or the crown, trenched upon; insomuch as you shall not find, in the journals of many parliaments, one protestation entered; and when there was any, there is no more in the records, than, after the resolution of the house is entered, and the number of those that were content and not content, "that such a "lord desired that his protestation, that is, dissent "might be entered;" and oftentimes when ten have dissented from the general opinion, not above one hath entered his protestation. But since this parliament, as they altered the custom from cases of high concernment to the most trivial debates, the minor part ordinarily entering their protestation, to the end that their opinions might be taken notice of, and who were opposite to them,

whereby the good and bad lords were known and published; so they altered the form, and, instead of short general entries, caused the matter of the debate to be summed up, and thereupon their protestation, "that they were not to be answerable for "any inconveniences or mischiefs, that should "befall the commonwealth by reason of this or "that resolution." So that from an act, for the particular indemnity of the person that made it, it grew to be a reproaching and arraigning the sense of the house by any factious number that disagreed. Then, because the house of peers is a court of record, they concluded, "that any man upon any "occasion might peruse their journals;" and so every night the house of commons could see how the debates had been managed and carried all the day, and take public notice, and make use of it accordingly, which they could not do of those discourses they received from their confidents; for supplying whereof this trick was most unjustifiably found out. For though it is a court of record, the highest court, and the acts and judgments of parliament are records, to which the subject may upon all occasions resort, yet they have not liberty to examine and peruse their journal books, much less question any words spoken, or act done, and remembered there; of which if they are not the only judges, their privileges are much less than the commons in truth have, and may justly claim.

It happened, about this time, that upon some overture in the lords' house, which pleased them not, the violent party there, in a disorderly manner, cried out, *Adjourn, adjourn,* being not willing the matter should then come into debate; others were

not willing that the house should adjourn. The duke of Richmond, troubled at that tumultuary and indirect proceeding, said, without directing himself to the speaker, "if they would adjourn, "he wished it might be for six months," or words to that effect; upon which some of the other party straight moved, "that the house might not rise, "and that the duke might explain himself, and "answer the making such a motion, as, being "granted, would be destructive to the common-"wealth." The duke said, "he made no motion, "but used that expression, to shew his dislike of "the other motion to adjourn at that time, when "there was business in agitation of great concern-"ment; and that, when he spoke, all men being "upon their feet, and out of their places, he con-"ceived the house had been up." Upon this he was required to withdraw; and then they, who had long looked upon him with great envy and animosity, as the only great person, and officer at court, who had contemned their power, and their stratagems, [and] had with notable courage always opposed their extravagances, and servile complying with the house of commons, and submitting to the tumults, and had with singular constancy preserved his duty and fidelity to his majesty unviolated, inveighed against the motion, "as of too serious a "nature to be made a jest of, and fit to be censured "as most pernicious to this kingdom, and destruc-"tive to Ireland; the war whereof could not pro-"ceed, if the parliament should have been adjourned "for six months, as his lordship had proposed."

On the other side, it was alleged, "that the "motion had never been made to the house; and

" therefore they ought no more to question, or " take notice of it, than of every light or frolic " discourse or expression, that negligently or " casually fell from any man; which would take " away all liberty of conversation. However, that " if it had been seriously and formally made, it " could be no crime, it being the necessary liberty and " privilege of every member, to make any motion " he thought in his judgment fit, which the house " would approve, or reject, as it found reasonable. " And that, since it was as much in the house's " power to adjourn for six months, as for six days, " it was as lawful to move the one as the other; " of which there could not be the least incon- " venience, because the house would be sure to " reject it, if it were not found proper." After a very fierce and eager debate, in which much bitterness and virulency was expressed, it was resolved by the major part, " that the duke had committed no " offence;" and so he was as regularly absolved as was possible. Hereupon the earls of Northumberland, Pembroke, Essex, Holland, who thought the duke's affection and duty to his master a reproach, and his interest prejudicial to them, with the rest of that party entered their protestation; "that whereas " such a motion had been made by the duke of Rich- " mond, and upon being questioned for the same, he " had been acquitted by the major part, they were free " from the mischiefs or inconveniences, which might " attend the not punishment of an offence tending " so much to the prejudice of king or kingdom."

This protestation, by the advice of that night's meeting, was, the next day, taken notice of in the house of commons, and the matter itself of the

motion extended by all possible and rhetorical aggravations, concerning the person, and his interests, according to the license of that house, and that people. It was said, "here was an evil counsellor, that had discovered himself, and no doubt "had been the author of many of those evil counsels, which had brought that trouble upon us; "that he had received his education in Spain, and "had been made a grandee of that kingdom, and "had been ever since notoriously of that faction; that his sisters were papists, and therefore "his affection was to be questioned in religion; "that, from the beginning of this parliament, "he had been opposite to all their proceedings, "and was an enemy to reformation; that he had "vehemently opposed the attainder of the earl of "Strafford; was a friend to bishops; and now, to "prevent any possibility of reformation, which "could not be effected without the concurrence of "the two houses, had desperately moved in the "house of peers, where he had a great faction, "that it would adjourn for six months; in which "time the malignant party, of which he might "well be thought the head, and had the greatest "influence upon the king's affections, would prevail so far, that all future hopes would be rendered desperate, and the kingdom of Ireland be "utterly lost, and possessed by the papists: that "they were therefore to take this opportunity, "which God had given them, to remove so malignant and dangerous a person from the king, and "so suspected a one, from so important a charge "as the cinque ports, of which the duke was "lord warden, and to send to the lords to

" join with them in a desire to the king to that " purpose."

On the other side, it was objected, that " whilst " they were so solicitous of their own privileges, " and sensible of the breach and violation of them, " they could not more justify those, who had been " the advisers of such breaches, than by offering " the like trespass to the privileges of the peers: " that the life of that council depended upon the " liberty of speech; and where there were so dif- " ferent minds, there must be different expressions; " and if one house might take notice what the " other house said, or did, within those walls, the " lords would as well question their members, as " they did now one of the lords; which would " take away all freedom of debate: that they could " not examine the circumstances, which attended " that motion, if any such was made; and there- " fore could not so much as, in their private un- " derstandings, make a reasonable judgment of it; " but that they were naturally to presume the cir- " cumstances were such, as took away the offence " of the motion; for that the major part of that " house where the words were spoken, and at the " time when they were spoken, had, upon solemn " debate, concluded, that there was no crime in " them; and that they were not only the proper, " but the only judges in that case: and if the com- " mons should intermeddle therewith, it was no " otherwise, than, by the strength of the major " part of the house of commons, to make the minor " part of lords superior to the major part of that " house; which they would not suffer to be offered " to themselves."

It was alleged, " That the duke was a person of " great honour and integrity, and of so unblemished " a fame, that in all the discovery of the court- " offences, there was not any reflection upon him. " That his education had been, according to the " best rules of the greatest persons, for some years " beyond the seas; and that, having spent more " time in France and Italy, he visited Spain; where " his great quality being known, and no question " as a compliment to this kingdom, with which it " was then in strait alliance and confederacy, that " king had conferred the honour of a grandee upon " him; which was of no other advantage or signi- " fication to him, than to be covered in the pre- " sence of that king, as the principal subjects there " are. That his affection to the protestant reli- " gion was unquestionable, and very eminent; and " though his sisters, who had been bred under their " mother, were catholics, yet his brothers, of whose " education he had taken the sole care, were very " good protestants.

" That his opinions in parliament had been very " avowed, and were to be presumed to be according " to his conscience, in the profession of which he " was so public, that there was reason to believe " he used no ill arts in private; since he had the " courage to do that aloud, which he had reason to " believe would displease many. That it would be " a great prejudice and blemish to their counsels " and discoveries, if after so long discourse of a " malignant party, and evil counsellors, of which " they had never yet named any, they should first " brand this lord with that imputation upon such a " ground and occasion, as must conclude [include]

" all those lords who had absolved him, which was " the major part of the lords. In a word, that it " would look as if they had devised those new " words to make men afraid, and kept them in re- " serve to apply to all those, with whom they were " angry."

But notwithstanding all this, and all the reason that could be spoken on that part, and that there could be none on the other, after a debate of very many hours, till after nine of the clock at night, (the latest that ever was in parliament, but that of the remonstrance,) in which it was evident, that they meant, as far as in them lay, to confound all those, whom they could not convert; it was resolved by the majority of voices, not half of the house being present at that unseasonable time of the debate, " that they should accuse the duke of " Richmond to the lords to be one of the malignant " party, and an evil counsellor to his majesty; and " to desire them to join in a request to the king, " that he might be removed from any office or em- " ployment about his person;" which was solemnly commended to the lords accordingly, and by them so far received, that though the desire was rejected, no dislike or disapprobation of the matter or the manner was in the least manner discovered, or insisted on.

All things thus prepared, and so many lords driven and kept from the house, besides the bishops, and they that stayed there, by this last instance, instructed how to carry themselves, at least how they provoked the good lords to protest, they resolved once more to try whether the house of peers would be induced to join in the business of the

militia, which they had twice refused; and to that purpose, their old friends of the city in the same numbers flocked to Westminster, but under the new, received, and allowed style of petitioners; but as unlike petitioners to any of those lords or commons, whom they understood to be malignant, as the other tumults had been. From these herds there were two notable petitions delivered to the house of commons, the one from the porters, their number, as they said, consisting of fifteen thousand; the other under the title of many thousands of poor people in and about the city of London. The porters, with great eloquence, confessed "the "unexpressible pains that honourable house had "taken for the good of church and state; which "deserved to be recorded to their eternal fame, "though the effects of those unwearied endeavours "were not produced, by reason of the prevalence "of that adverse, malignant, bloodsucking, rebel-"lious party, by the power of which the privileges "of parliament, and the liberty of the subject was "trampled upon, the rebellion in Ireland increased, "and all succours and relief for that kingdom ob-"structed." They said, "That trade had been "long languishing, but was now dead by the fears, "jealousies, and distractions they lay under, for "want of fortification of the cinque ports, which "was a great encouragement to the papists to make "insurrection, and did much animate a foreign "power to invade us: that by the deadness of "trade they did want employment in such a mea-"sure, as did make their lives very uncomfortable; "therefore their request was, that that extreme "necessity of theirs might be taken into serious

" consideration, and that the honourable house of " commons would fall upon the speediest course " for abating and quelling the pride, outrage, and " insolency of the adverse party at home; that the " land might be secured by fortifying the cinque " ports, and putting the people into a posture of " defence, that all their fears, or as many as could, " might be removed, and that trade might be again " set up and opened, that so their wants might be " in some measure supplied. They further de- " sired that justice might be done upon offenders, " according as the atrocity of their crimes had de- " served; for if those things were any longer sus- " pended, they should be forced to extremities not " fit to be named, and to make good that saying, " that necessity hath no law. They said they had " nothing to lose but their lives, and those they " would willingly expose to the utmost peril, in " defence of the house of commons, according to " their protestation," &c.

The other was a petition in the names of many thousands of poor people, and brought by a great multitude of such, who seemed prepared for any exploit. I have thought fit, for the rareness of it, and the rare effect it produced, to insert that petition in terms as it was presented, thus.

To the honourable the house of commons now assembled in parliament.

" The humble petition of many thousands of poor " people in and about the city of London,

" Humbly sheweth, that your petitioners have " lain a long time under great pressures, and griev-

" ances both in liberties and consciences, as hath " been largely, and sundry times, shewed and de- " clared, by several petitions exhibited to this " honourable assembly both by the citizens and " apprentices of the city of London, and divers " counties and parts of this kingdom, from which " we hoped long ere this, by your pious care, to " have been delivered.

" But now we, who are of the meanest rank and " quality, being touched with penury, are very sen- " sible of the approaching storms of ruin, which " hang over our heads, and threaten to overwhelm " us, by reason of the sad distractions occasioned " chiefly and originally, as your petitioners humbly " conceive, by the prevalency of the bishops, and " the popish lords, and others of that malignant " faction; who make abortive all good motions, " which tend to the peace and tranquillity of this " kingdom of England, and have hitherto hindered " the sending relief to our brethren in Ireland, al- " though they lie weltering in blood; which hath " given such head to the adversaries, that we justly " fear the like calamities inevitably to befall us " here, when they have vented their rage and " malice there.

" All which occasions so great a decay and stop " of trade, that your petitioners are utterly impo- " verished, and our miseries are grown insupporta- " ble, we having already spent all that little means, " which we had formerly, by God's blessing, and " our great labour, obtained; and many of us have " not, nor cannot tell where to get, bread to sus- " tain ourselves and families; and others of us are " almost arrived at the same port of calamity; so

" that unless some speedy remedy be taken for the " removal of all such obstructions, which hinder " the happy progress of your great endeavours, " your petitioners shall not rest in quietness, but " shall be forced to lay hold on the next remedy " which is at hand, to remove the disturbers of our " peace; want and necessity breaking the bounds " of modesty: and rather than your petitioners " will suffer themselves, and their families, to " perish through hunger and necessity, though " hitherto patiently groaned under, they cannot " leave any means unessayed for their relief:

" The cry therefore of the poor and needy, your " poor petitioners, is, that such persons, who are " the obstacles of our peace, and hinderers of the " happy proceedings of this parliament, and the " enjoyment of the looked for purity of religion, " safety of our lives, and return of our welfares, " may be forthwith publicly declared, to the end " they may be made manifest; the removal of whom " we humbly conceive will be a remedy to cure our " miseries, and put a period to these distractions: " and that those noble worthies of the house of " peers, who concur with you in your happy votes, " may be earnestly desired to join with this honour- " able house, and to sit and vote as one entire " body; which we hope will remove from us our " destructive fears, and prevent that, which appre- " hension will make the wisest and peaceablest men " to put in execution.

" For the Lord's sake hear us, and let our re- " ligion, lives, and welfares be precious in your " sight, that the loins of the poor may bless you, " and pray," &c.

After this horrible petition delivered, the house, according to its gracious custom, ordered thanks to be given for their great kindness. The which when delivered by the speaker, who told them that the house was in consideration of those things, whereof they complained, some of that rabble, no doubt as they had been taught, replied, "that they "never doubted the house of commons, but they "heard all stuck in the lords' house, and they de- "sired to know the names of those peers, who "hindered the agreement between the good lords "and the commons:" which they pressed with unheard of rudeness and importunity, and with a seeming unwillingness withdrew, whilst the house took the matter into further consultation.

Yet notwithstanding this provocation, and that it was urged by many members, some which had been assaulted and ill intreated by that rabble in their passage to the house, "that the countenanc- "ing such licentious persons and proceedings would "be a great blemish to their counsels," they were again called in; and told, "that the house of com- "mons had endeavoured, and would continue those "endeavours for their relief; and they doubted "not, when they had delivered their petition, and "what they had said, to the lords, which they "would presently do, the causes of their evils "would be found out, and some speedy course re- "solved upon for their relief; and therefore de- "sired them with patience to attend a further "answer." And accordingly that petition was solemnly read, and delivered to the lords at a conference; and the conference no sooner ended, than Mr. Hollis, one of those five whom the king had

accused a month before of high treason, was sent to the lords in a message to desire them, "that "they would join with the house of commons in "their desire to the king about the militia;" to which he added, "that if that desire of the house "of commons was not assented to, he desired "those lords who were willing to concur, would "find some means to make themselves known, "that it might be known who were against them, "and they might make it known to those that "sent them."

After which motion and message, the lords again resumed the debate; which the earl of Northumberland begun with a profession, "that whosoever "refused, in that particular, to join with the house "of commons, were, in his opinion, enemies to the "commonwealth;" when the major part of that house had twice before refused to concur with them in it. Yet when his lordship was questioned for that unparliamentary language, all the other lords of that faction joined with him; and declared, "that it was their opinions likewise:" the rabble being at the door to execute whatever they were directed: so that many lords, out of a just indignation to see their honours and their liberties sacrificed to the people by themselves; others, out of real fear of being murdered, if they should, in that conjuncture of time, insist on their former resolutions, withdrawing themselves; the major part of those, who stayed, concluded to join with the house of commons in their desire [concerning] the militia.

Within two days after this agreement and submission of the lords, another petition was pre-

sented to the commons, in the name of the inhabitants of the county of Surrey, by a multitude of people, who were, or pretended to be, of that county, and subscribed by above two thousand hands. Their petition was of the ordinary strain, full of devotion to the house of commons, and offering to execute all their commands; but with it they presented likewise a petition, which they intended to present to the lords, if they approved it, and was subscribed by above two thousand hands; by which it may appear where that petition was drawn, and when, however the hands were procured. The petition to the lords took notice "of their happy concurrence with the house of "commons in settling the militia, and forts, in "such hands as the commonwealth might confide "in, and the kingdom in such a posture as might "be for its defence and safeguard: yet they com- "plained of the miserable condition of Ireland, "which, they said, by the delay it had found "amongst their lordships, notwithstanding the "pressing endeavours of the house of commons, "together with many of their lordships, had been "exposed to the inhuman cruelties of their merci- "less enemies. With like grief they apprehended "the distractions of this nation, the composure "of which, they said, was altogether hopeless, so "long as the king's throne was surrounded with "evil counsellors, and so long as the votes of "popish lords and bishops were continued in their "house.

"Wherefore they did humbly pray, and beseech "their lordships, that they would go on in a con- "stant union with the house of commons, in pro-

" viding for the kingdom's safety; that all evil " counsellors might be found out, Ireland relieved; " that the votes of the popish lords and bishops " might be speedily removed; that so the peace of " the kingdom might be established, the privileges " of parliament vindicated, and the purity of reli- " gion settled and preserved. And, they said, they " should be in duty obliged to defend, and main- " tain with their lives and estates, their lordships, " so far as they should be united with the honour- " able house of commons, in all their just and pious " proceedings."

Which petition was read in the house of commons, and approved, and the petitioners thanked for their kind expressions therein; and then it was delivered by them at the bar of the house of peers; who, within a day or two, passed both the bill for taking away the bishops' votes, and [that concerning] pressing, which had lain so long desperate, whilst the lords came, and sat with freedom in the house. And these marvellous things done, they again adjourn both houses into London, to lay the scene for future action.

Upon the second of February, some members, appointed by both houses, attended his majesty at Windsor with their petition, " that he would " forthwith put the Tower of London, and all " other forts, and the whole militia of the king- " dom, into the hands of such persons, as should " be recommended unto his majesty by both houses " of parliament; which, they assured themselves, " would be a hopeful entrance into those courses, " which, through God's blessing, should be effec- " tual for the removing all diffidence, and misap-

" prehension betwixt his majesty and his people; " and for establishing and enlarging the honour, " greatness, and power of his majesty, and royal " posterity; and for the restoring and confirming " the peace and happiness of his loyal subjects " in all his dominions. And to that their most " necessary petition, they said, they did, in all " humility, expect his speedy and gracious answer, " the great distractions, and distempers of the " kingdom, not admitting any delay."

At the same time they likewise presented another petition to him, concerning the accused members; in which they besought him " to give directions, " that his parliament might be informed, before " Friday next, (which was within two days,) what " proof there was against them, that accordingly " they might be called to a legal trial; it being " the undoubted right and privilege of parliament, " that no member of parliament could be pro- " ceeded against, without the consent of par- " liament."

His majesty now found that these persons could not be compounded with, and that their purpose was, by degrees, to get so much power into their hands, that they need not care for what was left in his; and that the lords were in no degree to be relied on to maintain their own privileges, much less to defend his rights; and that they had the power to impose generally upon the people's understandings, contrary to their own senses, and to persuade them, " that they were in danger to " be invaded by foreign enemies," when the king was not only in peace with all Christian princes, but almost all other nations so embroiled in war,

that they all desired the friendship and assistance of England; none was in case or condition to disturb it: "and that there was a decay and "deadness of trade, and want and poverty growing "upon the whole kingdom," when no man living had ever remembered the like plenty over the whole land, and trade was at that height, that the like had never been known.

He resolved therefore to remove himself to a greater distance from London, where the fears and jealousies grew; and constantly to deny to pass any act, that should be recommended to him from the two houses, except what might concern Ireland, till he might have a full prospect of all they intended to demand, and an equal assurance how far they intended to gratify him for all his condescensions; which resolution was very parliamentary, it having been rarely known, till this present parliament, that the king consented to any acts, till the determination of the session.

The truth is, when his majesty found the extreme ill success of the accusation against the members, and that the tumults, and the petitioners, were no other than an army at the disposal of those, in whom he had no reason to put his confidence, and that all such, who expressed any eminent zeal to his service, would be taken from him under the style of delinquents and malignants, he resolved that the queen, who was very full of fears, should go to Portsmouth, colonel Goring, who was governor thereof, having found means to make good impressions again in their majesties of his fidelity; and that himself would go to Hull, where his magazine of cannon, arms, and munition was;

and that being secured in those strong places, whither they who wished him well might resort, and be protected, he would sit still, till they who were over-active would come to reason.

But this, though resolved with so much secrecy, that it was not communicated to three persons, (as I have been since assured by those who knew,) whether by the treachery of one of those few, or by the curiosity of others, (which I rather believe,) who found means to overhear all private discourses, (as both bedchambers were inhabited, and every corner possessed, by diligent spies upon their master and mistress,) was imparted to those, who procured those orders before mentioned for Hull and Portsmouth; by reason whereof, and the advice, and promise of many lords, "that they would firmly "unite themselves for the just support of the regal "power," with the extreme apprehension the queen had of danger, that counsel was laid aside. That which wrought so much upon the queen's fears, besides the general observation how the king was betrayed, and how his rights and power were every day wrested from him, was an advertisement, that she had received, of a design in the prevalent party, to have accused her majesty of high treason; of which, without doubt, there had been some discourse in their most private cabals, and, I am persuaded, was imparted to her upon design, and by connivance, (for there were some incorporated into that faction, who exactly knew her nature, passions, and infirmities,) that the disdain of it might transport her to somewhat, which might give them advantage. And shortly after that discovery to her majesty, those persons before mentioned were

accused of high treason; yet afterwards, when they had received the full fruits, they found means to complain, "as a great argument of the malignity "of those persons of nearness to both their majes-"ties, that an infusion had been made to the queen, "that there was a purpose of accusing her of high "treason," and solemnly by message "besought her "to discover, who had done that malicious office;" when they very well knew who it was, and for whose sake the queen was brought to return answer, "that she had heard such a discourse, but took no "notice of it, as never believing it:" whereas, if they could have been compelled to have discovered, how they knew that the queen had been informed, all the secret would have appeared; the same person first telling her what was in projection against her, and then returning intelligence of any expressions and distemper, he might easily observe upon the apprehension which the other begat.

But both king and queen were then upon that disadvantage, that all their words and actions, which were the pure results of their own reasons and judgments upon what they saw every day occurred, were called the effects of evil counsels, that so they might take the liberty to reproach them with the more license; whilst what they received by the most secret perjury of bedchamber spies, or what they forged themselves, was urged as the resultants of common fame, or the effects of their fears and jealousies, to the rancour of which the most precious balm of the crown must be applied. And therefore it was concluded, "that the queen should take the "opportunity of her daughter the princess Mary's "journey into Holland," (who had been before

married to the young prince of Orange, and was now solemnly desired by the States' ambassadors to come into that country,) " to transport herself into " Holland, patiently to expect an amendment of " the affairs of England; and that the king should " retire into the north, and reside at York, and " deny all particulars, till the whole alteration " should be framed." But the first resolution concerning the queen was only published; the other, concerning the king, communicated to very few; both their majesties being reduced to so great wants, that the queen was compelled to coin, or sell, her chamber plate, for the supply of her most necessary occasions, there being no money in the exchequer, or in the power of the ministers of the revenue; and the officers of the customs, out of which the allowance for the weekly support of their majesties' household had been made, being enjoined by the house of commons, not to issue out any money, without their particular consent and approbation.

It was evident now that the accused members were too mighty for the king, or the law, and that they would admit no other judges of their guilt, than themselves, nor rules of proceeding, than the plurality of their own voices: and therefore the king resolved to give over any more thought of that business. And so to that petition he answered, " that as he once conceived that he had ground " enough to accuse them, so now he found as good " cause wholly to desert any prosecution of them." The other petition concerning the militia gave him more trouble; for though he was resolved in no degree to consent to it, yet he was willing, till all

things could be ready for the queen's journey, and so for his own remove, [rather] to delay it, than deny it; lest the same army of petitioners might come to Windsor to persuade him; which had converted, or prevailed over the house of peers. And he was persuaded by some, who thought they knew the temper of both houses, that though they were now united in the matter, they might easily be divided upon the circumstances; and that they would not be of one mind in the election of the persons to be confided in. So to that petition his majesty returned this answer:

"That he was willing to apply a remedy not only "to their dangers, but to their doubts and fears; "and therefore, that when he should know the "extent of power, which was intended to be esta- "blished in those persons, whom they desired to be "commanders of the militia in the several counties, "and likewise to what time it should be limited, "that no power should be executed [by] his majesty "alone without the advice of parliament, then he "would declare, that he would be content to put "in all the forts, and over the militia, such persons "as both houses of parliament should either "approve, or recommend to him; so that they "before declared the names of the persons, whom "they would approve or recommend, and so that "no persons should be named by them, against "whom his majesty should have just and unques- "tionable exception."

Which answer, though it was not a consent, gave them notable encouragement, and exceedingly united the vulgar minds to them; who concurred only with them, as they saw them like to prevail in

what they went about. And there was no danger of any disunion in the nomination of persons; because, though they should at first admit such into the number, whom they could not sufficiently trust, nor plausibly except against, yet when they were once possessed of the power of nomination, they might easily weed out those, which were not agreeable to the soil they were planted in. However this would take up some time; and therefore to keep the king's inclination to gratify them (for so they would understand it) warm, the same day they received this answer, they returned a message of thanks; and desired his majesty, "whilst they "were preparing all other particulars according to "his command, that he would confer the custody "of the Tower upon sir John Coniers," whom his majesty had lately recommended to them, as a person of great merit. With which being surprised, and desired likewise by sir John Byron to free him from the agony and vexation of that place, which had exposed his person and reputation to the rage and fury of the people, and compelled him to submit to such reproaches, as a generous spirit could not brook without much regret; for he had upon frivolous surmises been sent for as a delinquent, and been brought upon his knees at the bar of both houses; his majesty consented to that alteration, and made sir John Coniers lieutenant of the Tower. Which was such an instance of his yielding upon importunity, that from that time they thought themselves even possessed of the whole militia of the kingdom.

Whilst all diligence was used in making preparation for the queen's journey, to divert their councils

from other inquisitions, the king (who had received so many sharp expostulations for breach of privileges, and other attempts upon their reputations) resolved, upon the publication of a bold scandal upon himself by one of their principal members, to expostulate with them, and try what satisfaction and reparation they were prepared to give to him, who exacted so much from him. All opportunities had been taken in public, and all license given to private and clandestine forgeries, to lay odious or envious imputation on the king and queen, in the business of Ireland; and to impute the progress and success of that rebellion to a connivance, if not a countenance, from the court: the not levying men, and not sending provisions, imputed to his majesty; though he had, as is before observed, offered to levy ten thousand volunteers for that service, and had consented cheerfully to every proposition, that had been made with the least reference to the assistance of that kingdom. Indeed he was so alarumed with those perpetual odious impositions, which he perceived wrought very pernicious effects in the minds of the people, that he was compelled to consent to many things contrary to his judgment and kingly policy, to prevent greater inconveniences by those scandals, which he saw were prepared for him. So when several propositions were recommended to him by the two houses concerning those supplies, which were to be sent out of Scotland, amongst the rest, there was one, "that the Scots should have the command and "keeping of the town and castle of Carrickfergus; "and if any regiments, or troops, in that province "should join with them, that they should receive

" orders from the commander of the Scottish " forces." The king consented to all the rest, though there were matters unreasonable enough in favour of that nation; but, " that," he said, " he " could not approve of;" and wished " the houses " to take that proposition again into consideration, " as a business of very great importance, which he " doubted might prove prejudicial to the crown of " England, and the service intended." And he said, " if the houses desired it, he would be willing to " speak with the Scottish commissioners, to see " what satisfaction he could give them therein." This answer was no sooner read, but both houses voted, " that whosoever gave the king advice, or " counsel, to send that answer, was an enemy to " the king and kingdom," and a committee appointed to find out who those evil counsellors were. So that, the Scottish commissioners pressing him, " that, being their native king, he would not pub- " lish a less trust and confidence in them, than " their neighbour nation had done," his majesty thought fit to consent to the whole, as the two houses had advised.

Then, in the carrying on the war, they allowed his majesty so little power, that when he recommended some officers of prime quality, reputation, and experience in the war, to the lord lieutenant to be employed in that service, the house of commons by express order, and after they knew that his majesty had recommended them, rejected them, because they were taken notice to have attended upon the king at Whitehall, as a guard to his person. And, after all this, they took all occasions to asperse him with any omissions that were in that great

work; as Mr. Pym had more particularly done, in that speech before taken notice of, at the conference with the lords, upon the delivery of those seditious petitions; of which the king could not take notice, lest he should be again reproached with breach of privilege.

But when that speech was printed by order of the house, the king thought he had an opportunity to require a vindication; and therefore, in a letter to the speaker, he sent this message: "That he "had taken notice of a speech, pretended by the "title to have been delivered by Mr. Pym in a "conference, and printed by order of the house of "commons; in which it was affirmed, that since "the stop upon the ports against all Irish papists "by both houses, many of the chief commanders, "now in the head of the rebels, have been suffered "to pass by his majesty's immediate warrant: and "being certain of having used extreme caution in "the granting of passports into Ireland, he con-"ceived, either that paper not to have been so "delivered, and printed, as is pretended; or that "house to have received some misinformation. "And therefore his majesty desired to know, "whether that speech had been so delivered and "printed; and if it had, that the house would re-"view, upon what information that particular had "been grounded, that either it might be found "upon reexamination false, and so both the house, "and his majesty, to have been injured by it; or "that his majesty might know, by what means, "and by whose fault, his authority had been so "highly abused, as to be made to conduce to the "assistance of that rebellion, which he so much

" detested and abhorred; and that he might see " himself fully vindicated from all reflections of the " least suspicion of that kind."

It was some time before they would vouchsafe any answer to the king upon this message; but at last they returned, " that the speech, mentioned in " that message, was printed by their order, and " what was therein delivered was agreeable to the " sense of the house: that they had received divers " advertisements concerning the several persons, " Irish papists, and others, who had obtained his " majesty's immediate warrant for their passing " into Ireland, since the order of restraint of both " houses; some of which, as they had been in- " formed, since their coming into Ireland, had " joined with the rebels, and been commanders " amongst them; and some others had been stayed, " and were yet in safe custody."

Then they named some, to whom licenses had been granted before the order of restraint, and were still in England; and said, " there were others, " whose names they had not yet received, but " doubted not, upon examination, they would be " discovered."

To this the king replied, and told them, " that " as he had expressed a great desire to give them " all possible satisfaction to all their just requests, " and a readiness to rectify, or retract, any thing " done by himself, which might seem to trench " upon their privileges by any mistake of his; so " he hoped, they would be ready, upon all occa- " sions, to manifest an equal tenderness and regard " of his honour, and reputation with his subjects: " and therefore he expected they should review his

" message concerning Mr. Pym's speech, and their " answer, with which he could not rest satisfied. " He said, he was most assured that no person, " who had command in the head of the rebels, had " passed by his warrant, or privity. And then, he " desired them to consider, whether such a general " information, and advertisement, as they implied " in their answer, without the name of any par- " ticular person, was ground enough for such a " direct and positive affirmation, as was made in " that speech; which, in respect of the place and " person, and being now acknowledged to be ac- " cording to the sense of the house, was of that " authority, that his majesty might suffer in the " affections of many of his good subjects, and fall " under a possible construction, considering many " scandalous pamphlets to such a purpose, of not " being sensible enough of that rebellion, so horrid " and odious to all Christians; by which, in that " distraction, such a danger might possibly ensue " to his majesty's person and estate, as he was well " assured they would endeavour to prevent. And " therefore he thought it very necessary, and ex- " pected that they should name those persons who " had passed by his license, and were then in the " head of the rebels: or if, upon their reexamina- " tion, they did not find particular evidence to " prove that assertion, (as he was most confident " they never could,) as that affirmation, which re- " flected upon his majesty, was very public, so they " would publish such a declaration, whereby that " mistake might be discovered; he being the more " tender in that particular which had reference to " Ireland, as being most assured, that he had been,

" and was, from his soul, resolved to discharge his " duty, for the relief of his poor protestant sub- " jects, and the utter rooting out that rebellion; " so that service had not suffered for the want of " any thing proposed to him, and within his power " to grant."

He said, " in this matter he had diligently exa- " mined his own memory, and the notes of his " secretaries;" and then named all the Irish persons to whom he had given any licenses to go into that kingdom, since the beginning of the rebellion; and said, " he was well assured, none of them " were with the rebels; and though some of them " might be papists, yet he had no reason to dis- " cover any suspicion of them, in respect of their " alliance with persons of great honour and power " in that kingdom, of whose fidelity to him he " had good assurance; and the lords justices " themselves having declared, that they were so " far from owning a jealousy of all papists there, " that they had put arms into the hands of divers " noblemen of that religion, within the pale, which " the parliament had well approved of. And " therefore, unless the first affirmation of the " house of commons could be made good by some " particulars, he expected a vindication by such " a declaration as he had proposed; which, he " said, was, in duty and justice, due to him."

But this, and any thing else could be said, was so far from procuring any reparation, or his majesty from receiving any, that when they perceived the king still pressed for that justice, and apprehended that many would believe it due to him, and that the prejudice they had raised to him for Ireland would

be removed thereby, they confidently published another declaration of several persons' names, to whom they said the king had granted passes, and were then commanders in the rebels' army, of whose names his majesty had never before heard, to whom no passes had been granted, neither did he believe that there were such men in nature; and so left the people to believe as they found themselves inclined upon the king's denial, or their so particular and positive affirmation.

These proceedings of the parliament made a deep impression upon all noble and generous persons, who found that their pride and ambition was so great, that they resolved to remove all persons out of their way, who were like to stand in their way, by opposing any thing they desired, or by filling any place, or office, which they designed should be executed by some other person, in whom they could confide. The earl of Newcastle, who was governor to the prince, knew very well in what prejudice he stood with the earls of Essex and Holland, (two very powerful persons,) upon the account of the challenge formerly mentioned to be sent by him to the latter of the two, who would be glad of any opportunity to expose him to an affront; and that they would find opportunities enough upon the account of his known affections to the king's service, from which it was not possible to remove or startle him. He knew they liked not that he should have the government of the prince, as one, who would infuse such principles into him, as would not be agreeable to their designs, and would dispose him to no kindness to their persons, and that they would not rest, till they saw another

man in that province; in order to which, they would pick all quarrels they could, and load him with all reproaches, which might blast him with the people, with whom he had a very good reputation. Upon those considerations, and some other imaginations upon the prospect of affairs, he very wisely resolved to retire from the court, where he had expended much of his own fortune, and only made himself obnoxious to the malice and envy of other pretenders; and desired the king to approve of this his reasonable inclination, and to put the prince under the tuition of some person of honour of unquestionable fidelity to him, and above the reach of popular disapprobation; and at the same time mentioned the marquis of Hertford, who was indeed superior to any temptations. The king could not dislike the earl's judgment upon his own interest and concernment; and did foresee likewise that he might probably have occasion to use his service under another qualification; and therefore was well contented to dismiss him from the prince.

The marquis of Hertford was a man of great honour, great interest in fortune and estate, and of an universal esteem over the kingdom; and though he had received many and continued disobligations from the court, from the time of this king's coming to the crown, as well as during the reign of king James, in both which seasons, more than ordinary care had been taken to discountenance and lessen his interest; yet he had carried himself with notable steadiness, from the beginning of the parliament, in the support and defence of the king's power and dignity, notwithstanding all his

allies, and those with whom he had the greatest familiarity and friendship, were of the opposite party; and never concurred with them against the earl of Strafford, whom he was known not to love, nor in any other extravagancy.

And then, he was not to be shaken in his affection to the government of the church; though it was enough known that he was in no degree biassed by any great inclination to the person of any churchman. And with all this, that party carried themselves towards him with profound respect, not presuming to venture their own credit in endeavouring to lessen his.

It is very true, in many respects he wanted some of those qualities, which might have been wished to be in a person to be trusted in the education of a great and a hopeful prince, and in the forming of his mind and manners in so tender an age. He was of an age not fit for much activity and fatigue, and loved, and was even wedded so much to his ease, that he loved his book above all exercises; and had even contracted such a laziness of mind, that he had no delight in an open and liberal conversation; and cared not to discourse, and argue on those points, which he understood very well, only for the trouble of contending; and could never impose upon himself the pain that was necessary to be undergone in such a perpetual attendance: but then those lesser duties might be otherwise provided for, and he could well support the dignity of a governor, and exact that diligence from others, which he could not exercise himself; and his honour was so unblemished, that none durst murmur against the designation; and there-

fore his majesty thought him very worthy of the high trust, against which there was no other exception, but that he was not ambitious of it, nor in truth willing to receive and undergo the charge, so contrary to his natural constitution. But [in] his pure zeal and affection for the crown, and the conscience, that in this conjuncture his submission might advance the king's service, and that the refusing it might prove disadvantageous to his majesty, he very cheerfully undertook the province, to the general satisfaction and public joy of the whole kingdom; and to the no little honour and credit of the court, that so important and beloved a person would attach himself to it under such a relation, when so many, who had scarce ever eaten any bread but the king's, detached themselves from their dependence, that they might without him, and against him, preserve and improve those fortunes, which they had procured and, gotten under him, and by his bounty.

The bill for the taking away the votes of bishops out of the house of peers, which was called a bill for taking away all temporal jurisdiction from those in holy orders, was no sooner passed the house of peers, than the king was earnestly desired "to "give his royal assent to it." The king returned, "that it was a matter of great concernment; and "therefore he would take time to advise, and "would return an answer in convenient time." But this delay pleased not their appetite; they could not attempt their perfect reformation in church and state, till those votes were utterly abolished; therefore they sent the same day again to the king, who was yet at Windsor, and gave

him reasons to persuade him "immediately to "consent to it; one of which was the grievances "the subjects suffered by their exercising of tem- "poral jurisdiction, and their making a party in "the lords' house: a second, the great content of "all sorts by the happy conjunction of both "houses in their absence: and a third, that the "passing of that bill would be a comfortable "pledge of his majesty's gracious assent to the "future remedies of those evils, which were to be "presented to him, this once being passed."

Reasons sufficient to have converted him, if he had the least inclination or propensity to have concurred with them. For it was, upon the matter, to persuade him to join with them in this, because, that being done, he should be able to deny them nothing.

However those of greatest trust about the king, and who were very faithful to his service, though in this particular exceedingly deceived in their judgments, and not sufficiently acquainted with the constitution of the kingdom, persuaded him "that "the passing this bill was the only way to preserve "the church, there being so united a combination "in this particular, that he would not be able to "withstand it. Whereas, by the passing this bill, "so many persons in both houses would be fully "satisfied, that they would join in no further alter- "ation: but, on the other hand, if they were "crossed in this, they would violently endeavour "an extirpation of bishops, and a demolishing of "the whole fabric of the church.

"They alleged that he was, upon the matter, "deprived of their votes already, they being not

" suffered to come to the house, and the major part " in prison under an accusation of high treason, of " which there was not like to be any reformation, " till these present distempers were composed; and " then that by his power, and the memory of the " indirect means that had been used against them, " it would be easier to bring them in again, than to " keep them in now. They told him, there were " two matters of great importance pressed upon " him for his royal assent, but they were not of " equal consequence and concernment to his sove- " reign power; the first, that bill for the bishops' " votes; the other, the whole militia of the king- " dom, the granting of which would absolutely " divest him of all regal power; that he would not " be able to deny both; but by the granting the " former, in which he parted with no matter of " moment, he would, it may be, not be pressed in " the second; or if he were, that as he could not " have a more popular quarrel to take up arms, " than to defend himself, and preserve that power " in his hands, which the law had vested in him, " and without which he could not be a king; so " he could not have a more unpopular argument " for that contention, than the preservation of the " bishops in the house of peers, which few men " thought essential, and most men believed pre- " judicial, to the peace and happiness of the " kingdom."

These arguments, though used by men whom he most trusted, and whom he knew to have opposed that bill in its passage, and to be cordially friends to the church of England in discipline and doctrine, prevailed not so much with his majesty, as the per-

suasions of the queen; who was not only persuaded to think those reasons valid, and that indeed the church could be only that way preserved, (and there are that believe that infusion to have been made in her by her own priests, by instructions from France, and for reasons in state of that kingdom,) but that her own safety very much depended upon the king's consent to that bill; and that, if he should refuse it, her journey into Holland would be crossed by the parliament, and possibly her person in danger either by the tumults, which might easily be brought to Windsor from Westminster, or by the insurrection of the countries in her passage from thence to Dover, where she intended to take shipping. Whereas by her intercession with the king to do it, she would lay a most seasonable and popular obligation upon the whole nation, and leave a pleasant odour of her grace and favour to the people behind her, which would prove much to her advantage in her absence; and she should have the thanks for that act, as acquired by her goodness, which otherwise would be extorted from the king, when she was gone.

These insinuations and discourses so far satisfied the queen, and she the king, that, contrary to his most positive resolution, the king consented, and sent a commission for the enacting both that bill, and the other for pressing; which was done accordingly, to the great triumph of the boutefeus, the king sending the same day that he passed those bills, which was the fourteenth of February, a message to both houses; "That he was assured his "having passed those two bills, being of so great "importance, so suddenly, would serve to assure

" his parliament, that he desired nothing more " than the satisfaction of his kingdom." For Ireland, he said, " as he had concurred in all proposi- " tions made for that service by his parliament, so " he was resolved to leave nothing undone for " their relief, which should fall within his possible " power, nor would refuse to venture his own per- " son in that war, if the parliament should think it " convenient, for the reduction of that miserable " kingdom."

The passing that bill for taking away the bishops' votes, exceedingly weakened the king's party; not only as it perpetually swept away so considerable a number out of the house of peers, which were constantly devoted to him; but as it made impression on others, whose minds were in suspense, and shaken, as when foundations are dissolved. Besides, they that were best acquainted with the king's nature, opinions, and resolutions, had reason to believe, that no exigence could have wrought upon him to have consented to so anti-monarchical an act; and therefore never after retained any confidence, that he would deny what was importunately asked; and so, either absolutely withdrew themselves from those consultations, thereby avoiding the envy, and the danger of opposing them, or quietly suffered themselves to be carried by the stream, and consent to any thing that was boldly and lustily attempted.

And then it was so far from dividing the other party, that I do not remember one man, who furiously insisted on, or indeed heartily wished, the passing of that bill, that ever deserted them, till the kingdom was in a flame: but, on the contrary,

very many, who cordially and constantly opposed that act, as friends rather to monarchy than religion, after that bill, never considered or resisted any attempt, or further alteration, in the church, looking upon the bishops as useless to sovereignty, and so not of importance enough to defend by the sword. And I have heard the same men, who urged before, "that their places in that house had no relation to "the discipline of the church, and their spiritual "jurisdiction, and therefore ought to be sacrificed "to the preservation of the other, upon which the "peace and unity of religion so much depended," since argue, "that since their power in that house, "which was a good outwork to defend the king's "from invasion, was taken away, any other form "of government would be equally advantageous to "his majesty; and therefore, that he ought not to "insist on it, with the least inconvenience to his "condition."

That which was above, or equal to all this, [was,] that, by his majesty's enacting those two bills, he had, upon the matter, approved the circumstances of their passage, which had been by direct violence, and force of arms; in which case, he ought not to have confirmed the most politic, or the most pious constitutions: *Male posita est lex, quæ tumultuarie posita est*, was one of those positions of Aristotle, which hath never been since contradicted; and was an advantage, that, being well managed, and stoutly insisted upon, would, in spite of all their machinations, which were not yet firmly and solidly formed, have brought them to a temper of being treated with. But I have some cause to believe, that even this argument, which was unanswerable for the

rejecting that bill, was applied for the confirming it; and an opinion that the violence and force, used in procuring it, rendered it absolutely invalid and void, made the confirmation of it less considered, as not being of strength to make that act good, which was in itself null. And I doubt this logic had an influence upon other acts of no less moment than these: but it was an erroneous and unskilful suggestion; for an act of parliament, what circumstances soever concurred in the contriving and framing it, will be always of too great reputation to be avoided, or to be declared void, by the sole authority of any private persons, [or] the single power of the king himself. And though the wisdom, sobriety, and power, of a future parliament, if God shall ever bless the kingdom with another regularly constituted, may find cause to declare this or that act of parliament void; yet there will be the same temper requisite to such a declaration, as would serve to repeal it. And it may be then, many men, who abhorred the thing when it was done, for the manner of doing it, will be of the civilian's opinion, *fieri non debuit, factum valet;* and never consent to the altering of that, which they would never have consented to the establishing: neither will that single precedent of the judges in the case of king Henry the Seventh, when they declared the act of attainder to be void by the accession of the crown, (though if he had in truth been the person, upon whom the crown had lineally and rightfully descended, it was good law,) find, or make, the judges of another age parallel to them, till the king hath as strong a sword in his hand, and the people as much at his devotion and disposal;

and then the making, and declaring law, will be of equal facility, though, it may be, not of equal justice. How much soever the king's friends were, for the reasons aforesaid, dejected upon the passing those two acts, it is certain, they who thought they got whatever he lost, were mightily exalted, and thought themselves now superior to any opposition: and what returns of duty and acknowledgment they made to the king for that grace and favour, is to be remembered in the next place.

The same day those two acts were by his majesty's commission confirmed, and as soon as a very short message of thanks for that favour, as much importing the safety of both kingdoms, of England and Ireland, was consented to, an ordinance for the settling the militia was consented to by both houses, and, together with a list of the names of such persons as for the present they meant to confide in, was immediately sent to the king for his approbation; the which, being the most avowed foundation of all the miseries that have followed, will be here necessary to be inserted in the very terms and form it was agreed upon, and presented; and was as followeth.

An ordinance of both houses of parliament for the ordering of the militia of the kingdom of England, and dominion of Wales.

" Whereas there hath been of late a most dan-
" gerous and desperate design upon the house of
" commons, which we have just cause to believe to
" be the effect of the bloody counsels of the papists,
" and other ill affected persons, who have already

" raised a rebellion in the kingdom of Ireland, and, " by reason of many discoveries, we cannot but " fear they will proceed, not only to stir up the like " rebellion and insurrections in this kingdom of " England, but also to back them with forces from " abroad; for the safety therefore of his majesty's " person, the parliament, and kingdom, in this time " of imminent danger, it is ordained by the king, " the lords, and commons, now in parliament as- " sembled, That shall have power to as- " semble, and call together, all and singular his " majesty's subjects within the county of " as well within liberties, as without, that are meet " and fit for the wars, and them to train, exercise, " and put in readiness, and them, after their abili- " ties, and faculties, well and sufficiently, from time " to time, to cause to be arrayed and weaponed, " and to take the muster of them in places most " fit for that purpose. And shall have " power within the said county to nominate and " appoint such persons of quality, as to him shall " seem meet, to be his deputy lieutenants to be ap- " proved of by both houses of parliament: and " that any one, or more of the said deputies, so " assigned and approved of, shall in the absence, " or by the command of the said have " power and authority to do and execute within " the county of all such powers and au- " thorities, before in this present ordinance con- " tained; and shall have power to make colonels, " and captains, and other officers, and to remove " out of their places, and to make others from " time to time, as he shall think fit for that pur- " pose. And his deputies, colonels, and

" captains, and other officers, shall have further " power and authority to lead, conduct, and em- " ploy, the persons aforesaid, arrayed and wea- " poned, as well within the county of as " within any other part of this realm of England, " or dominion of Wales, for the suppression of all " rebellions, insurrections, and invasions, that may " happen, according as they, from time to time, " shall receive directions by his majesty's author- " ity, signified unto them by the lords and com- " mons, assembled in parliament. And it is further " ordained, that such persons as shall not obey in " any of the premises, shall answer their neglect " and contempt to the lords and commons, in a " parliamentary way, and not otherwise, nor else- " where: and that every the powers, granted as " aforesaid, shall continue, until it shall be other- " wise ordered, or declared by both houses of par- " liament, and no longer. This to go also " to the dominion of Wales."*

A second act of the same day, and the only way they took to return their thanks and acknowledgment to the queen for her intercession, and mediation in the passing those bills, was the opening a letter they intercepted, which was directed to her majesty herself. The lord Digby, after their majesties going to Windsor, when he found in what umbrage he stood with the powerful and prevailing party, and that they were able to improve his going through a town in a coach and six horses to a warlike appearance, and so to expose him to the fury of the people, at least to the power of the counties, to be suppressed, as they had done by their

order, or proclamation of the twelfth of January, before remembered, and appointed to be read in all market towns throughout England; concluded for his own security, and to free the king's councils from the imputation of his evil influence, to remove himself into some parts beyond the seas: and so, with the king's leave, and by his license, was transported into Holland, from whence he writ some letters to his friends at London, to give them an account where he was, and for supplying himself with those accommodations as he stood in need of. Amongst these letters there was one to his brother [brother-in-law] sir Lewis Dives, which, by the treachery of that person, to whose care it was intrusted for conveyance, was brought to the house of commons: and it being averred, "that it came "from the lord Digby," whom they looked upon as a fugitive, they made no scruple of opening it; and finding another in it directed to the queen, after a very little pause they did the like; for which they made no other excuse (when upon a message from the king they sent her the transcript, for the original they still kept) than, "that having "opened the other letters, and finding in them "sundry expressions full of asperity, and malignity "to the parliament, they thought it very probable, "that the like might be contained in that to her "majesty; and that it would have been dishonour-"able to her majesty, and dangerous to the king-"dom, if it should not have been opened: and "they besought the king to persuade her majesty, "that she would not vouchsafe any countenance to, "or correspondence with, the lord Digby, or any

" other of the fugitives or traitors, whose offences " depended under the examination and judgment of " parliament."

In that letter to the queen were these words: " If the king betake himself to a safe place, where " he may avow and protect his servants, from rage " (I mean) and violence, for from justice I will " never implore it; I shall then live in impatience, " and in misery, till I wait upon you. But if, after " all he hath done of late, he shall betake himself " to the easiest and compliantest ways of accom- " modation, I am confident, that then I shall serve " him more by my absence, than by all my indus- " try." And in that to sir Lewis Dives were these words: " God knows, I have not a thought to " make me blush towards my country, much less " criminal; but where traitors have so great a sway, " the honestest thoughts may prove most treason- " able." Which gave those, that thought themselves concerned, so great offence, that, within two days after, they accused him of high treason; and finding no words in the letters would amount to that offence, they accused him of levying war against the king; which could have relation to no act of his, but what was before mentioned at Kingston upon Thames, when, to the terror of the king's subjects, he was seen there in a coach with six horses. Though this extravagancy of theirs seems to be directed against a particular person, I could not omit it in this place, being accompanied with those circumstances. And it may be, posterity may look upon the severe persecution of a young man of admirable parts, and eminent hopes, in so implacable a manner, as a most pertinent in-

stance of the tyranny and injustice of that time, not possible to end, but in so much wickedness as it hath since practised.

A third act of that day was the carrying up an impeachment to the lords against the king's attorney general, "for maliciously advising and con- "triving the articles upon which the lord Kimbol- "ton, Mr. Hollis, Mr. Pym, Mr. Hambden, Mr. "Strode, and sir Arthur Haslerig, had been ac- "cused by his majesty of high treason;" it being not thought security and reparation enough, that the king had waved any further proceeding against them, except they left such a monument of their power, that, upon what occasion or provocation soever, no man should presume to obey the king in the like command: so that the same fourteenth of February, that was celebrated for the king's condescension to that act for the putting the bishops out of the house of peers, is famous likewise for those three unparalleled acts of contempt upon the sovereign power; the demand of the sole power over all the militia of the kingdom; the opening letters directed to the sacred person of the queen; and the impeaching the attorney general, for performing the duty of his place, by his master's command. All which were very ill instances of that application and compliance his majesty had reason to expect, and some men had promised him he should receive.

Though the king was resolved in no degree to consent to the proposition for the militia, yet he thought not the time seasonable for his positive denial, the queen retaining still her fears of being stopped in her journey. Therefore, for the present,

he returned answer, "that his dearest consort the "queen, and his dear daughter the princess Mary, "being then upon their departure for Holland, he "could not have so good time to consider of a par- "ticular answer for a matter of so great weight, "as that was; therefore he would respite the same "till his return:" the king intending to accompany the queen to Dover, and, as soon as she was embarked, to return. They received this answer with their usual impatience, and the next day sent messengers to him, with that which they called an humble petition; in which they told him, "that "they had, with a great deal of grief, received his "answer to their just and necessary petition con- "cerning the militia of the kingdom; which, by a "gracious message formerly sent unto them, he "had been pleased to promise should be put into "such hands, as his parliament should approve of, "the extent of their power, and the time of their "continuance, being likewise declared; the which "being now done, and the persons nominated, his "majesty nevertheless reserved his resolution to a "longer and a very uncertain time; which, they "said, was as unsatisfactory and destructive as an "absolute denial. Therefore they once again be- "sought him to take their desire into his royal "thoughts, and to give them such an answer, as "might raise in them a confidence, that they "should not be exposed to the practices of those "who thirst after the ruin of this kingdom, and "the kindling of that combustion in England, "which they had in so great a measure effected in "Ireland; from whence, as they were informed "they intended to invade this kingdom, with the

" assistance of the papists here. They said, nothing " could prevent those evils, nor enable them to " suppress the rebellion in Ireland, and secure " themselves, but the instant granting of that their " petition; which, they hoped, his majesty would " not deny to those, who must, in the discharge of " their duty to his majesty and the commonwealth, " represent unto him, what they found so abso- " lutely necessary for the preservation of both; " which the laws of God and man enjoined them " to see put in execution, as several counties by " their daily petitions desired them to do, and in " some places began already to do it of themselves." Notwithstanding all that importunity, the king made no other answer than formerly he had done, " that he would give a full answer at his return " from Dover."

In the mean time, the house of commons, to whom every day petitions are directed by the several counties of England, professing all allegiance to them, govern absolutely, the lords concurring, or rather submitting, to whatsoever is proposed; insomuch as when they had bailed the twelve bishops, who were in the Tower for the treason of their protestation, which they did the next day after the bill was passed for taking away their votes, the house of commons in great indignation expostulated with them, and caused them immediately again to be recommitted to the Tower. So they gave their private intimations to their correspondents in the counties, that they should make small entries upon the militia; which was done in many places, the people choosing their officers, and listing themselves, and so training and exercising

under the names of volunteers; whereby they had opportunity to unite themselves, to know their confederates, observe those who were of other opinions, and to provide arms and ammunition against they should have occasion. The Tower of London was at their devotion, and Hull was their own; the mayor of that place having been lately sent for and reprehended, for having said, "that they ought "not to have soldiers billeted upon them by the "petition of right, and for refusing to submit that "town, which was his charge, to the government "of Mr. Hotham;" and after a tedious and chargeable attendance, without being brought to a public hearing, he was persuaded to submit; and so was discharged.

Then they fell to raising of monies under pretence of the relief of Ireland, and, for that purpose, prepared one act "for the payment of four hundred "thousand pounds to such persons as were nomi-"nated by themselves, and to be disbursed and "issued in such manner, and to such uses, as the "two houses should direct," which the king confirmed accordingly; whereby they had a stock of credit to raise monies, whensoever they found themselves put to it: and this could not be prevented; for the king having committed the carrying on the war of Ireland to them, and they being engaged both for the payment of the arrears to the officers of the northern army disbanded the summer before, and of the three hundred thousand pounds to the Scots, his majesty was necessitated to pass the act with such general clauses, that it might be in their power to divert the money to other uses

than those to which it was given; as it afterwards fell out.

The queen being shipped for Holland, his majesty returned to Greenwich, whither he had sent to the marquis of Hertford to bring the prince of Wales from Hampton-court to meet him; of which as soon as the houses were advertised, they sent a message to the king, who was upon his way from Dover, to desire him, "that the prince might "not be removed from Hampton-court, for that "they conceived his removal at that time might be "a cause to promote jealousies and fears in the "hearts of his good subjects, which they thought "necessary to avoid;" and, at the same time, sent an express order to the marquis of Hertford, "to "require him not to suffer the prince to go to "Greenwich:" but his lordship, choosing rather to obey the king's commands than theirs, carried his highness to his father; of which the houses no sooner were informed, than they sent some members of both houses to Greenwich, "to bring the "prince from thence to London." But when they came thither, they found the king, whom they did not expect there; and so made no attempt to perform that command. The reason of this extravagancy (besides their natural humour to affront the king, and this seeming care of the prince was a popular thing) was pretended to be an information they had received from a member of the house.

There was one Griffith, a young Welshman, of no parts or reputation, but for eminent license; this youth had long, with great boldness, followed

the court, and pretended to preferment there; and so in the house had always opposed, as far as not consenting, all the undutiful acts towards the king, and, upon this stock of merit, had pressed more confidently for a reward; and, when the queen was ready to take shipping at Dover for Holland, he barefaced importuned her to mediate to the king, "that he might be forthwith admitted of the prince's "bedchamber:" the which her majesty refusing, he forthwith told his companions, "that since he "could not render himself considerable by doing "the king service, he would be considerable by "doing him disservice;" and so made great haste to London, and openly in the house told them, (the same day that the prince was to go to Greenwich,) "that if they were not exactly careful, they "would speedily lose the prince; for, to his know-"ledge, there was a design and resolution imme-"diately to carry him into France." From which senseless and groundless information, he was taken into their favour; and, his malice supplying the defect of other parts, was thenceforth taken into trust, and used as their *Bravo* to justify all their excesses in taverns and ordinaries. And I saw Mr. Hambden, shortly after this discovery, take him in his arms, telling him, "his soul rejoiced to "see, that God had put it in his heart to take the "right way."

To their message the king sent them word, "That to their fears and jealousies he knew not "what answer to give, not being able to imagine "from what grounds they proceeded; but if any "information had been given to them to cause "those apprehensions, he much desired the same "might be examined to the bottom; and then he

" hoped that their fears and jealousies would be " hereafter continued only with reference to his " majesty's rights and honour."

The queen being gone, and the prince come to his father at Greenwich, the king sent an answer to the two houses concerning the militia; " that " having, with his best care and understanding, " perused and considered that, which had been " sent him from both houses, for the ordering the " militia to be made an ordinance of parliament by " the giving of his royal assent, as he could by no " means do it for many reasons, so he did not con- " ceive himself obliged by any promise made to " them in his answer to their former petition. He " said, he found great cause to except against the " preface, or introduction to that order; which " confessed a most dangerous and desperate design " upon the house of commons of late, supposed to " be an effect of the bloody counsels of papists, and " other ill-affected persons, by which many might " understand (looking upon other printed papers to " that purpose) his own coming in person to the " house of commons on the fourth of January, " which begot so unhappy a misunderstanding be- " tween him and his people. And for that, though " he believed it, upon the information since given " him, to be a breach of their privileges, and had " offered, and was ready, to repair the same for " the future, by any act should be desired from " his majesty; yet he must declare, and require to " be believed, that he had no other design upon " that house, or any member of it, than to require, " as he did, the persons of those five gentlemen he " had before accused of high treason, and to declare " that he meant to proceed against them legally

" and speedily; upon which he believed that house " would have delivered them up.

" And he called the almighty God to witness, " that he was so far from any intention, or thought, " of force or violence, although that house had not " delivered them according to his demand, or in " any case whatsoever, that he gave those his ser- " vants, and others, who then waited on his ma- " jesty, express charge and command, that they " should give no offence unto any man; nay, if " they received any provocation or injury, that they " should bear it without return; and he neither saw " nor knew, that any person of his train had any " other weapons, but his pensioners and guard, " those with which they usually attend his person " to parliament; and the other gentlemen, swords. " And therefore he doubted not, but the parliament " would be regardful of his honour therein, that he " should not undergo any imputation by the rash " and indiscreet expressions of any young men then " in his train, or by any desperate words uttered " by others, who might mingle with them without " his consent or approbation.

" For the persons nominated to be the lieutenants " of the several counties of England and Wales, he " said, he was contented to allow that recommend- " ation; only concerning the city of London, and " such other corporations as by ancient charters " had granted to them the power of the militia, he " did not conceive that it could stand with justice " or policy to alter their government in that parti- " cular. And he was willing forthwith to grant to " every one of them, that of London and those " other corporations excepted, such commissions,

" as he had granted this parliament to some lords
" lieutenants by their advice. But if that power
" were not thought enough, but that more should
" be thought fit to be granted to those persons
" named, than, by the law, is in the crown itself,
" he said, he thought it reasonable that the same
" should be by some law first vested in him, with
" power to transfer it to those persons; which he
" would willingly do: and whatever that power
" should be, to avoid all future doubts and ques-
" tions, he desired it might be digested into an act
" of parliament, rather than an ordinance; so that
" all his subjects might thereby particularly know,
" both what they were to do, and what they were
" to suffer for their neglect; that so there might
" be the least latitude for them to suffer under any
" arbitrary power whatsoever.

" To the time desired for the continuance of the
" powers to be granted, he said, he could not con-
" sent to divest himself of the just power, which
" God, and the laws of the kingdom, had placed
" in him for the defence of his people, and to put
" it into the hands of others for any indefinite time.
" And since the ground of their request to him was
" to secure their present fears and jealousies, that
" they might with safety apply themselves to his
" message of the twentieth of January, he hoped
" that his grace to them since that time, in yielding
" to so many of their desires, and in agreeing to the
" persons now recommended to him, and the power
" before expressed to be placed in them, would
" wholly dispel those fears and jealousies: and he
" assured them, that as he had now applied this
" unusual remedy to their doubts; so, if there

" should be cause, he would continue the same to " such time, as should be agreeable to the same " care he now expressed towards them.

" He said, he was so far from receding from any " thing he had promised, or intended to grant in " his former answer, that he had hereby consented " to all that had been then asked of him by that " petition, concerning the militia of the kingdom, " except that of London, and the other corpora- " tions; which was, to put the same into the hands " of such persons, as should be recommended to " him by both houses of parliament. And he " doubted not but they, upon well weighing the " particulars of that his answer, would find the " same more satisfactory to their ends, and the " peace and welfare of all his good subjects, than " the way proposed by that intended ordinance; " to which, for those reasons, he could not consent.

" And whereas he observed by their last petition, " that in some places, some persons begun already " to intermeddle of themselves with the militia, " he said, he expected his parliament should exa- " mine the particulars thereof, it being a matter of " high concernment, and very great consequence. " And he required, that if it should appear to " them, that any person whatsoever had presumed " to command the militia without lawful authority, " they might be proceeded against according to " law."

It seems this was not the answer they promised themselves; for, at the publishing it, they were marvellously transported, and immediately voted, both houses concurring in it, " That those, that " advised his majesty to give that answer, were

" enemies to the state, and mischievous projectors " against the defence of the kingdom: that that " denial was of that dangerous consequence, that " if his majesty should persist in it, it would hazard " the peace and safety of all his kingdoms, unless " some speedy remedy were applied by the wisdom " and authority of both houses of parliament: and " that such parts of the kingdom, as had already " put themselves into a posture of defence against " the common danger, had done nothing but what " was justifiable, and was approved by both houses." And having caused these, and such other resolutions to be immediately published in print, that their friends abroad might know what they had to do, they sent a committee of both houses to the king at Theobalds with another petition; in which they told him, " that their just apprehensions of " sorrow and fear, in respect of the public dangers " and miseries like to fall upon his majesty and the " kingdom, were much increased upon the receipt " of his unexpected denial of their most humble " and necessary petition concerning the militia of " the kingdom; and that they were especially " grieved, that wicked and mischievous counsellors " should still have that power with him, as in that " time of imminent and approaching ruin, he should " rather incline to that, which was apt to further " the accomplishment of the desires of the most " malignant enemies of God's true religion, and of " the peace and safety of himself, and his kingdom, " than to the dutiful and faithful counsel of his " parliament. Wherefore, they said, they were " enforced in all humility to protest, that, if his " majesty should persist in that denial, the dangers

" and distempers of the kingdom were such, as " would endure no longer delay: but unless he " should be graciously pleased to assure them by " those messengers, that he would speedily apply " his royal assent to the satisfaction of their " former desires, they should be enforced, for the " safety of his majesty and his kingdoms, to dispose " of the militia by the authority of both houses, " in such a manner as had been propounded to him; " and they resolved to do it accordingly.

" They likewise most humbly besought his ma- " jesty to believe, that the dangerous and desperate " design upon the house of commons, mentioned in " their preamble, was not inserted with any inten- " tion to cast the least aspersion upon his majesty; " but therein they reflected upon that malignant " party, of whose bloody and malicious practices " they had so often experience, and from which " they could never be secure, unless his majesty " would be pleased to put from him those wicked " and unfaithful counsellors, who interposed their " own corrupt and malicious designs betwixt his " majesty's goodness and wisdom, and the pros- " perity and contentment of himself, and of his " people: and that for the despatch of the great " affairs of the kingdom, the safety of his person, " the protection and comfort of his subjects, he " would be pleased to continue his abode near to " London, and the parliament; and not to with- " draw himself to any the remoter parts, which if " he should do, must needs be a cause of great " danger and distraction.

" That he would likewise be graciously pleased

" to continue the prince's highness in those parts " at St. James's, or any other of his houses near " London; whereby the designs, which the enemies " of the religion, and peace of the kingdom, might " have upon his person, and the jealousies and " fears of his people, might be prevented.

" And they besought him to be informed by " them, that, by the laws of the kingdom, the " power of raising, ordering, and disposing of the " militia within any city, town, or other place, " could not be granted to any corporation by char- " ter, or otherwise, without the authority and con- " sent of parliament: and that those parts of the " kingdom, which had put themselves in a posture " of defence against the common danger, had " therein done nothing but according to the decla- " ration and direction of both houses, and what " was justifiable by the laws of the kingdom. All " which their most humble counsel and desires they " prayed him to accept, as the effect of that duty " and allegiance, which they owed unto him, and " which would not suffer them to admit of any " thoughts, intentions, or endeavours, but such as " were necessary and advantageous for his greatness " and honour, and the safety and prosperity of the " kingdom, according to that trust and power, " which the laws had reposed in them."

As soon as the petition was read, the king told them that presented it, " That he was so much " amazed at their message, that he knew not what " to answer. He said, they spake of jealousies " and fears; but he desired them to lay their " hands to their hearts, and ask themselves,

" whether he might not likewise be disturbed " with fears and jealousies? and if so, he assured " them, that message had nothing lessened them.

" For the militia, he said, he had thought so " much of it before he sent his answer, and was " so well assured that the answer was agreeable " to what, in justice or reason, they could ask, or " he in honour grant, that he should not alter it " in any point.

" For his residence near them, he said, he " wished it might be so safe and honourable, that " he had no cause to absent himself from White- " hall: he bid them ask themselves, whether he " had not? For his son, he said, he should take that " care of him, which should justify him to God, as " a father; and to his dominions, as a king. To " conclude, he assured them upon his honour, that " he had no thought but of peace, and justice to " his people; which he would by all fair means " seek to preserve and maintain, relying upon the " goodness and providence of God for the preser- " vation of himself, and his rights."

This, being suddenly, and with more than usual quickness, spoken by the king, much appalled them; but they were too far engaged to retire; and therefore, as soon as it was reported to the houses, they resolved, upon debate, " that the " kingdom should be forthwith put into a posture " of defence, by authority of both houses, in such " a way as had been formerly agreed upon by both " houses; and that a declaration should be speed- " ily sent unto the king, containing the causes of " their just fears and jealousies, and to make it " evident that any that were entertained against

"them were groundless;" ordering at the same time, "that all the lords lieutenants of any coun-"ties in England, who had been formerly so con-"stituted by the king by his commissions under "the great seal of England, should immediately "bring in those commissions to be cancelled as "illegal:" albeit some such commissions had been granted, upon their own desire, since the beginning of the parliament, as particularly to the earl of Essex to be lord lieutenant of Yorkshire, and to the earl of Salisbury for Dorsetshire.

Then both houses sent to the earl of Northumberland, being high admiral of England, "that "they had received advertisement of extraordinary "preparations made, by the neighbouring princes, "both by land and sea; by which an apprehen-"sion was raised in both houses, that the public "honour, peace, and safety of his majesty, and his "kingdom, could not be secured, unless a timely "course were taken for the putting the kingdom "into a condition of defence at sea, as well as at "land: and they did therefore order him forth-"with to give effectual direction, that all the ships "belonging to his majesty's navy, and fit for ser-"vice, and not already abroad, nor designed for "the summer's fleet, should be rigged, and put in "such a readiness, as that they might be soon "fitted for the sea: and that his lordship would "also make known to the masters and owners of "other ships, in any of the harbours of the king-"dom, [as] might be of use for the public defence, "that it would be an acceptable service to the "king and parliament, if they would likewise cause "their ships to be rigged, and so far put into a

" readiness, as they might, at a short warning, " likewise be set to sea upon any emergent occa- " sion; which would be a means of great security " to his majesty and his dominions." To which the earl returned an answer full of submission and obedience.

I have been assured from persons of very good credit, and conversant with those councils, that they had it in deliberation and debate to send, and take the prince from his father at Theobalds by force: but that design was quickly laid aside, when they heard that the king was removed from thence to Newmarket, and was like to make a further progress. So they used all possible expedition in preparing their declaration; which they directed to his majesty, and in which they told him, " that " although that answer, he had given to their " petition at Theobalds, did give just cause of sor- " row to them; yet it was not without some mix- " ture of confidence and hope, considering those " expressions proceeded from the misapprehensions " of their actions and intentions; which, having " no ground of truth or reality, might, by his " justice and wisdom, be removed, when he should " be fully informed, that those fears and jealousies " of theirs, which his majesty thought to be cause- " less, and without any just ground, did neces- " sarily and clearly arise from those dangers and " distempers, into which the mischievous and evil " councils about him had brought the kingdom. " And that those other fears and jealousies, by " which his favour, his royal presence, and confi- " dence, had been withdrawn from his parliament, " had no foundation, or subsistence in any action,

" intention, or miscarriage of theirs; but were " merely grounded upon the falsehood and malice " of those who, for the supporting and fomenting " their own wicked designs against the religion " and peace of the kingdom, did seek to deprive " his majesty of the strength and the affection " of his people; and them of his grace and pro- " tection; and thereby to subject both his per- " son, and the whole kingdom, to ruin and de- " struction.

" That, to satisfy his majesty's judgment and " conscience in both those points, they desired to " make a free and clear declaration of the causes " of their fears and jealousies, in some particulars.

1. " That the design of altering religion, in this " and his other kingdoms, had been potently car- " ried on, by those in greatest authority about " him, for divers years together: and that the " queen's agent at Rome, and the pope's agent, or " nuncio, here, were not only evidences of that " design, but had been great actors in it.

2. " That the war with Scotland was procured " to make way for that intent, and chiefly invited " and fomented by the papists, and others popishly " affected, whereof they had many evidences, " especially their free and general contribution " to it.

3. " That the rebellion in Ireland was framed " and contrived here in England; and that the " English papists should have risen about the " same time, they had several testimonies and ad- " vertisements from Ireland: and that it was a " common speech amongst the rebels, (with which, " they said, other evidences did concur, as the

" information of a minister who came out of Ire-
" land; the letter of one Tristram Whetcomb in
" Ireland to his brother in England, and many
" others,) that they would recover unto his majesty
" his royal prerogative, wrested from him by the
" puritan faction in the houses of parliament in
" England; and would maintain episcopal juris-
" diction, and the lawfulness thereof; which, they
" said, were the two quarrels, upon which his late
" army in the north should have been incensed
" against them.

4. " The cause they had to doubt that the late
" design, styled the queen's pious intention, was
" for the alteration of religion in this kingdom, for
" success whereof the pope's nuncio (the count
" Rozetti) enjoined fasting and praying to be ob-
" served every week by the English papists; which,
" they said, appeared to them by one of the
" original letters directed by him to a priest in
" Lancashire.

5. " The boldness of the Irish rebels in affirm-
" ing they do nothing but by authority from the
" king; that they call themselves the queen's
" army; that the prey and booty they take from
" the English, they mark with the queen's mark;
" that their purpose was to come into England,
" when their business was done in Ireland; and
" sundry other things of that kind, which, they
" said, were proved by one Oconelly, and others;
" but especially in the forementioned letter from
" Tristram Whetcomb, wherein there was this
" passage, that many other speeches they utter,
" concerning religion, and our court of England,
" which he dares not commit to paper.

6. "The many attempts to provoke his late "army, and the army of the Scots, and to raise a "faction in the city of London, and other parts of "the kingdom. That those, who had been actors "in these businesses, had their dependence, their "countenance, and encouragement, from the court; "witness the treason, whereof Mr. Jermyn, and "others, stood accused; who, they said, was "transported beyond seas by warrant under his "majesty's own hand, after he had given assurance "to his parliament, that he had laid a strict com- "mand upon his servants, that none of them should "depart from court. And that dangerous petition "delivered to captain Leg by his majesty's own "hand, accompanied with a direction signed with "*C. R.*

7. "The false and scandalous accusation against "the lord Kimbolton, and the five members of the "house of commons, tendered to the parliament "by his own command, and endeavoured to be "justified in the city by his own presence and per- "suasion, and to be put in execution upon their "persons by his demand of them in the house of "commons, in so terrible and violent a manner, "as far exceeded all former breaches of privileges "of parliament acted by his majesty, or any of his "predecessors: and they said, whatever his own "intentions were, divers bloody and desperate "persons, that attended him, discovered their "affections, and resolutions, to have massacred "and destroyed the members of that house, if the "absence of those persons accused had not, by "God's providence, stopped the giving that *word*, "which they expected for the setting them upon

" that barbarous and bloody act: the listing of " officers and soldiers, for a guard at Whitehall, " and such other particulars.

8. " That, after a vote had passed in the house " of commons, declaring that the lord Digby had " appeared in a warlike manner at Kingston upon " Thames, to the terror and affright of his ma- " jesty's good subjects, and disturbance of the " public peace of the kingdom, he should never- " theless be of that credit with his majesty, as to " be sent away by his majesty's own warrant to sir " J. Pennington to land him beyond seas: from " whence he vented his own traitorous conceptions, " that his majesty should declare himself, and re- " tire to a place of strength; as if he could not be " safe amongst his people. Which false and ma- " licious counsel and advice, they said, they had " great cause to doubt, made too deep an impres- " sion on his majesty, considering the course he " was pleased to take of absenting himself from " his parliament, and carrying the prince with " him; which seemed to express a purpose in his " majesty to keep himself in a readiness for the " acting of it.

9. " The many advertisements they had from " Rome, Paris, Venice, and other parts, that they " still expected that his majesty had some great " design in hand, for the altering of religion, the " breaking the neck of his parliament. That the " pope's nuncio had solicited the kings of France " and Spain to lend his majesty four thousand men " apiece, to help to maintain his royalty against the " parliament. And they said, as that foreign force " was the most pernicious and malignant design of

" all the rest; so they hoped it was, and should " always be, farthest from his majesty's thoughts; " because no man could believe he would give up " his people and kingdom to be spoiled by stran- " gers, if he did not likewise intend to change " both his own profession in religion, and the pub- " lic profession of the kingdom, that so he might " be still more assured of those foreign states of " the popish religion for their future support and " defence.

" These, they said, were some of the grounds of " their fears and jealousies, which had made them " so earnestly implore his royal authority, and pro- " tection, for their defence and security, in all the " ways of humility and submission; which being " denied by his majesty, seduced by evil counsel, " they did, with sorrow for the great and un- " avoidable misery and danger, which thereby was " like to fall upon his own person, and his king- " doms, apply themselves to the use of that power " for the security and defence of both, which, by " the fundamental laws and constitutions of the " kingdom, resided in them; yet still resolving to " keep themselves within the bounds of faithfulness " and allegiance to his sacred person, and his " crown.

" To the fears and jealousies expressed by his " majesty, when he said, that for his residence " near the parliament, he wished it might be so " safe and honourable, that he had no cause to " absent himself from Whitehall: that, they said, " they took as the greatest breach of privilege, " that could be offered; as the heaviest misery to " himself, and imputation upon them, that could

" be imagined, and the most mischievous effect of " evil counsels; it rooted up the strongest founda- " tion of the safety and honour the crown af- " forded; it seemed as much as might be, they " said, to cast upon the parliament such a charge, " as was inconsistent with the nature of that great " council, being the body, of which his majesty " was the head; it struck at the very being both " of king and parliament, depriving his majesty, " in his own apprehension, of their fidelity, and " them of his protection; which are the natural " bands and supports of government and subjection.

" They said, they had, according to his majesty's " desire, laid their hands upon their hearts; they " had asked themselves in the strictest examina- " tion of their consciences; they had searched " their affections, their thoughts, considered their " actions; and they found none, that could give " his majesty any just occasion to absent himself " from Whitehall, and his parliament; but that " he might, with more honour and safety, continue " there, than in any other place. They said, his " majesty laid a general tax upon them: if he " would be graciously pleased to let them know the " particulars, they should give a clear and satisfac- " tory answer. But, they said, they could have no " hope of ever giving his majesty satisfaction, " when those particulars, which he had been made " believe were true, yet, being produced, and made " known to them, appeared to be false; and his " majesty notwithstanding would neither punish " nor produce the authors, but go on to contract " new fears and jealousies, upon general and un- " certain grounds; affording them no means or

" possibility of particular answer to the clearing " of themselves, of which they gave him these " instances. 1. The speeches pretended to be " spoken at Kensington concerning the queen, " which had been denied and disavowed; yet his " majesty had not named the authors. 2. The " charge and accusation of the lord Kimbolton, " and the five members, who refused no trial or " examination, which might stand with the privi- " leges of parliament; yet no authors, no wit- " nesses, were produced, against whom they might " have reparation for the great injury, and infamy " cast upon them.

" They besought his majesty to consider in what " state he was, how easy and fair a way he had to " happiness, honour, greatness, and plenty, and se- " curity, if he would join with his parliament, and " his faithful subjects, in the defence of the reli- " gion, and the public good of the kingdom. That, " they said, was all they expected from him, and " for that they would return to him their lives, " fortunes, and uttermost endeavours to support " his majesty, his just sovereignty, and power over " them. But, they said, it was not words that " could secure them in those their humble desires; " they could not but too well and sorrowfully " remember, what gracious messages they had " from him the last summer; when, with his pri- " vity, the bringing up the army was in agitation: " they could not but with the like affections recall " to their minds, how, not two days before he gave " direction for the aforementioned accusation, and " his own coming to the commons' house, that " house received from him a gracious message,

" that he would always have care of their privi-
" leges, as of his own prerogative; and of the safety
" of their persons, as of his own children.

" They said, that which they expected, and
" which would give them assurance that he had no
" thought but of peace, and justice to his people,
" must be some real effect of his goodness to them,
" in granting those things, which the present ne-
" cessity of the kingdom did enforce them to de-
" sire. And in the first place, that he would be
" graciously pleased to put from him those wicked
" and mischievous counsellors, which had caused
" all those dangers and distractions; and to con-
" tinue his own residence, and the prince's, near
" London, and the parliament; which, they hoped,
" would be a happy beginning of contentment,
" and confidence between him and his people; and
" be followed with many succeeding blessings of
" honour and greatness to his majesty, and of se-
" curity and prosperity to them."

In the debate of this declaration, the like whereof had never before been heard of in parliament, in which they took his majesty's doubt of his safety at Whitehall so heavily, that, they said, "it seemed " to cast such a charge upon the parliament, as " was inconsistent with the nature of that great " council," (so apprehensive they were of the least suspicion of want of freedom,) the prevalent party carried themselves with that pride and impetuosity, that they would endure no opposition or dispute; insomuch as sir Ralph Hopton, (who indeed was very grievous to them for not complying with them,) for objecting against some sharp expressions in the declaration, (before it passed the house,

and when the question was, whether it should pass,) as being too distant from that reverence, which ought to be used to the king; and saying, upon a clause, in which they mentioned their general intelligence from Rome, Venice, Paris, and other places, of some design the king had upon religion, and the parliament, from whence they seemed to conclude that the king would change his religion, "that they seemed to ground an opinion "of the king's apostasy upon a less evidence, than "would serve to hang a fellow for stealing a "horse," was committed to the Tower of London, "for laying an imputation upon that committee, "which had drawn up the declaration." Notwithstanding which, after they had imprisoned him, they thought fit to make that expression less gross and positive; though, as it is set down above, (in which words it passed, and was delivered to the king,) it was thought by standers-by to be very unagreeable to the gravity of a wise court, and to the duty of subjects.

But in this particular, in oppressing all those who were of different opinions from them, their carriage was so notorious and terrible, that spies were set upon, and inquiries made upon all private, light, casual discourses, which fell from those who were not gracious to them: as one Mr. Trelawny, a member of the house of commons, and a merchant of great reputation, was expelled the house, and committed to prison, for having said, in a private discourse in the city, to a friend, "that the "house could not appoint a guard for themselves "without the king's consent, under pain of high "treason:" which was proved by a fellow, who

pretended to overhear him; when the person himself, with whom the conference was held, declared, "that he said, it might be imputed to them "for treason:" and it was confessed on all parts, that the words were spoken long before the discovery, and some days before the house had resolved, "that they would have a guard." And afterwards, upon the old stock of their dislike, when the war began to break out, they again imprisoned this poor gentleman; seized upon all his estate, which was very good; and suffered him to die in prison for want of ordinary relief and refreshment.

And in this very time we speak of, and in the very business of the militia, when every day very great multitudes with petitions from most of the counties of England, and from the city of London, were presented to both houses, to desire them to be put into a posture of defence; and that they would cause the ordinance for the militia to be speedily executed, which was alleged to be an instance of the people's desire throughout the kingdom, and the chief ground of their proceeding; the most substantial citizens of London, both in reputation and estate, finding that the militia of that city, with which by their charter, and constant practice, the lord mayor had been always intrusted, was now with a most extravagant power to be committed to a number of factious persons of the city, the major part of whom consisted of men of no fortune, or reputation, resolved to petition both houses "not "to alter their original constitution and right of "their city:" and, to that purpose, a petition was signed by some hundreds, and very probably would in few days have been subscribed by all, or most of

the substantial citizens of London. The house had notice of this petition, which they called another conspiracy and plot against the parliament, and immediately employed a member of their own to procure a sight of it; who, under a trust of redelivering it, got it into his hands, and brought it to the house of commons; upon which, some principal citizens, who had subscribed it, were examined, and committed to prison; and a direction given, that a charge and impeachment should be prepared against the recorder of London, who, they heard, had been of council in the drawing up and preparing that petition, and, they knew, was opposite to their tumultuary proceedings. So when the chief gentlemen of Oxfordshire heard, that a petition had been delivered to the house of commons in their name, and the name of that county, against the established government of the church, and for the exercise of the militia, they assembled together to draw up a petition disavowing the former, and to desire, "that the settled laws might be "observed;" of which the lord Say having notice, he procured the chief gentlemen to be sent for as delinquents, and so suppressed that address: and this was the measure of their justice in many other particulars of the same nature, receiving and cherishing all mutinous and seditious petitions, and discountenancing such as besought the continuance and vindication of the so long celebrated and happy government in church and state; the prime leaders of that faction not blushing, in public debates in the house, to aver, "that no men ought to "petition for the government established by law, "because he had already his wish; but they that

" desired an alteration, could not otherwise have " their desires known; and therefore were to be " countenanced."

The committee, which presented the declaration to the king at Newmarket, presented likewise additional reasons, as they called them, for his majesty's return, and continuance near the parliament; as a matter, in their apprehension, of so great necessity and importance towards the preservation of his person, and his kingdom: and they said,

" They could not think they discharged their " duties in the single expression of their desire, " unless they added some further reasons to back " it with. 1. His majesty's absence would cause " men to believe, that it was out of design to dis- " courage the undertakers, and hinder the other " provisions for raising money for defence of " Ireland. 2. It would very much hearten the " rebels there, and disaffected persons in this king- " dom, as being an evidence, and effect of the " jealousy and division between his majesty and " his people. 3. That it would much weaken and " withdraw the affection of the subject from his " majesty; without which, a prince is deprived of " his chiefest strength and lustre, and left naked " to the greatest dangers and miseries that can be " imagined. 4. That it would invite and encou- " rage the enemies of our religion and the state in " foreign parts, to the attempting, and acting of " their evil designs and intentions towards us. " 5. That it did cause a great interruption in the " proceedings of parliament. Those considerations, " they said, threatened so great danger to his per- " son, and to all his dominions, that, as his great

" council, they held it necessary to represent to him " that their faithful advice, that so, whatsoever " should follow, they might be excused before God " and man."

Whilst that declaration was reading, his majesty expressed some passion upon particular expressions; and once, when that passage was read, that takes notice " of the transportation of Mr. Jermyn by his " majesty's own warrant, after he had given his " word, that he had commanded that none of his " servants should depart from court," interrupted the earl of Holland, who read it, and said, " That's " false;" and when he was told, " it related not to " the date, but the execution of the warrant," his majesty said, " It might have been better expressed " then: it is a high thing to tax a king with breach " of promise." But after both the declaration and reasons were read, the king, after a short pause, said to them,

" I am confident that you expect not I should " give you a speedy answer to this strange and " unexpected declaration; and I am sorry, in the " distraction of this kingdom, you should think this " way of address to be more convenient, than that " propounded, by my message of the twentieth of " January last, to both houses. As concerning the " grounds of your fears and jealousies, I will take " time to answer [them] particularly; and doubt " not but I shall do it to the satisfaction of all the " world. God, in his good time, will, I hope, " discover the secrets and bottoms of all plots and " treasons; and then I shall stand right in the eyes " of all my people. In the mean time I must tell " you, that I rather expected a vindication for the

" imputation laid on me in Mr. Pym's speech, than " that any more general rumours and discourses " should get credit with you. For my fears and " doubts, I did not think they should have been " thought so trivial and groundless, whilst so many " seditious pamphlets and sermons are looked upon, " and so great tumults are remembered, unpunished, " uninquired into. I still confess my fears, and call " God to witness, that they are greater for the true " protestant profession, my people and laws, than " for my own rights, or safety; though I must tell " you, I conceive none of these are free from danger. " What would you have? Have I violated your " laws? Have I denied to pass any one bill for the " ease and security of my subjects? I do not ask " you what you have done for me. Are my people " transported with fears and apprehensions? I have " offered as free and general a pardon as yourselves " can devise. There is a judgment from heaven " upon this nation, if these distractions continue. " God so deal with me, and mine, as all my thoughts, " and intentions, are upright for the maintenance " of the true protestant profession, and for the ob- " servation and preservation of the laws of the land; " and I hope God will bless and assist those laws " for my preservation."

This being suddenly, and with some vehemence, spoken by his majesty, and he having taken further time to answer the declaration, and the reasons, the committee besought him, " since they were to " carry back with them no other answer, that his " majesty would vouchsafe to give them what he " had spoken in writing;" which, the next morning, he did: and then the earl of Holland again

desired him, "that he would reside nearer his par-
"liament;" whereunto the king shortly answered,
"I would you had given me cause; but I am sure
"this declaration is not the way to it." Then being asked by the earl of Pembroke, whether the militia might not be granted, as was desired by the parliament, for a time? he answered, "By God, not for "an hour. You have asked that of me in this, "was never asked of a king, and with which I will "not trust my wife and children." He told them, "he could not have believed the parliament would "have sent him such a declaration, if he had not "seen it brought by such persons: and said he "was sorry for the parliament, but glad he had it; "for by that he doubted not to satisfy his people. "He said they spake of ill councils; but he was "confident they had worse informations, than he "had councils. He told them, the business of "Ireland would never be done in the way they "were in; four hundred would never do that work; "it must be put into the hands of one: and, he "said, if he were trusted with it, he would pawn "his head to end that work."

As soon as the committee returned, and reported what answer they had received, and in what disposition and temper they found and left the king; it was ordered, that their declaration, which they had sent to him, should be speedily printed, and carefully dispersed throughout the kingdom, that the people might see upon what terms they stood; and all other possible courses were taken to poison the hearts and affections of the subjects, and to suppress all those, who, in any degree, seemed to dislike their high proceedings. Above

all, care was taken to place such preachers and lecturers in the most populous towns and parishes, as were well known to abhor the present government, and temperature of church and state; many of whom were recommended, and positively enjoined, and imposed upon parishes, by the house of commons; and others, by such factious members, whose reputation was most current: and all canonical clergymen, and orthodox divines, were, with equal industry, discountenanced, imprisoned, or forced to a long attendance upon committees, or the house, (which was worse than imprisonment,) under the notion and imputation of scandalous ministers. Which charge and reproach reached all men, whose inclinations they liked not, or whose opinions they suspected. And that they might be sure to be as strong and absolute at sea, as at land, they appointed the lord admiral to send the names of all those captains of ships, who were to attend the fleet for that summer service, to them, to the end they might have such men, in whom they might confide; which his lordship most punctually observed. By which they helped to free him of those officers whom he could not plausibly have discharged; and struck out the names of those, whose affections or relations they thought themselves not secure in.

The king thought it now time, according to his former resolution, which he had not communicated to many, to remove to York, which was a place of good receipt and conveniency, for those who were willing to attend him; and, to the end that there might be public notice of it, he sent from Huntington, when he was upon his journey, a message to

both houses: "That, being then in his remove to "his city of York, where he intended to make his "residence for some time, he thought fit to send "that message to them, and very earnestly to de- "sire them, that they would use all possible in- "dustry in expediting the business of Ireland; "in which they should find so cheerful a con- "currence from his majesty, that no inconvenience "should happen to that service by his absence, he "having all that passion for the reducing that "kingdom, which he had expressed in his former "messages, and being, by words, unable to mani- "fest more affection to it, than he had endeavoured "to do by those messages: having likewise done "all such acts, as he had been moved unto by his "parliament. Therefore, if the misfortunes and "calamities of his poor protestant subjects there "should grow upon them, (though he should be "deeply concerned in, and sensible of their suffer- "ings,) he said, he should wash his hands before "all the world from the least imputation of slack- "ness in that most necessary and pious work.

"And, that he might leave no way unattempted, "which might beget a good understanding between "him and his parliament, he said, he thought it "necessary to declare, that, as he had been so "tender of the privilege of parliament, that he "had been ready and forward to retract any act "of his own, which he had been informed had "trenched upon their privileges; so he expected "an equal tenderness in them of his known and "unquestionable prerogatives, which are the pri- "vileges of the kingdom; amongst which, he was "assured, it was a fundamental one, that his sub-

" jects could not be obliged to obey any act, order, " or injunction, to which he had not given his " consent.

" And, therefore, he thought it necessary to pub- " lish, that he expected, and thereby required, " obedience from all his loving subjects to the " laws established; and that they presumed not " upon any pretence of order, or ordinance, to " which his majesty was no party, concerning the " militia, or any other thing, to do, or execute " what was not warrantable by those laws; he " being resolved to keep the laws himself, and " to require obedience to them from all his sub- " jects.

" And he once more recommended unto them the " substance of his message of the twentieth of Ja- " nuary last; that they would compose, and digest " with all speed, such acts as they should think fit " for their present and future establishment of " their privileges, the free and quiet enjoying their " estates and fortunes, the liberties of their persons, " the security of the true religion then professed in " the church of England, the maintaining his regal " and just authority, and settling his revenue; he " being most desirous to take all fitting and just " ways, which might beget a happy understanding " between him and his parliament, in which he " conceived his greatest power and riches did " consist."

I have not known both houses in more choler and rage, than upon the receiving this message, which came early to them on Wednesday the sixteenth of March. Now the day before had been spent in preparing all things ready for the execu-

tion of the ordinance of the militia; they had voted, and resolved, "that it was not any way "against the oath of allegiance, that all the com- "missions to lieutenants under the great seal were "illegal and void; and that whosoever should "execute any power over the militia by colour of "any commission of lieutenancy, without consent "of both houses of parliament, should be accounted "a disturber of the peace of the kingdom." Then they agreed upon this proposition, "That the "kingdom had been of late, and still was, in so "evident and imminent danger, both from enemies "abroad, and a popish and discontented party at "home, that there was an urgent and inevitable "necessity of putting his majesty's subjects into a "posture of defence, for the safeguard both of the "king and his people; and that the lords and "commons, apprehending that danger, and being "sensible of their own duty to provide a suitable "prevention, had, in several petitions, addressed "themselves to his majesty for the ordering and "disposing the militia of the kingdom in such a "way, as was agreed upon, by the wisdom of both "houses, to be most proper for the present exi- "gence of the kingdom: yet they could not ob- "tain it; but his majesty did several times refuse "to give his royal assent thereunto." Upon this proposition, they resolved, "that in that case of "extreme danger, and of his majesty's refusal, the "ordinance agreed on by both houses for the "militia did oblige the people, and ought to be "obeyed by the fundamental laws of the kingdom; "and that such persons, as should be nominated "deputy lieutenants, and approved of by both

" houses, should receive the commands of both " houses, to take upon them to execute their of- " fices." All which resolutions were ordered, the same night, to be printed and published. So that, when the king's message from Huntington was read the next morning, and seemed to be against their votes of the day before, they concluded, " that it could not be sent from the king, but that " it had been inserted in blanks left in the town " for such purposes;" and immediately made a committee, " to find out by whom that message " was framed." But when they remembered, that they had voted as much a week before, and had examined the gentleman who brought it, and had received it from the king's own hand, they proceeded no further in that inquisition; but satisfied themselves with a new vote, " that those persons, " who advised his majesty to absent himself from " the parliament, and those that advised him to " that message, were enemies to the peace of the " kingdom, and justly to be suspected to be favour- " ers of the rebellion in Ireland." And for the matter itself they resolved to insist upon their former votes; and withal declared, " that when " the lords and commons in parliament, which is " the supreme court of judicature in the kingdom, " should declare what the law of the land is, to " have that not only questioned and controverted, " but contradicted, and a command that it should " not be obeyed, was a high breach of the privilege " of parliament."

And this likewise they caused to be speedily printed; lest the king should be able to persuade the subjects, that an order of theirs, without his

consent, was no law to compel their obedience. And from this last resolution, by which the law of the land, and consequently the liberty of the subject, was resolved into a vote of the two houses, which passed without any dispute or hesitation, all sober men discerned the fatal period of both, and saw a foundation laid for all the anarchy and confusion that hath followed.

It was now known, that the king was gone to York, which made them apprehend their principality of Hull might be in danger; and therefore they immediately resolve, "that no forces whatsoever shall be admitted in that town, without "the immediate consent of both houses:" which order was sent thither by an express. And having prepared the people to be ready for the militia, by publishing, "that, in case of extreme danger, they "were to obey that ordinance;" they were, in the next place, to find the danger to be extreme; and, to that purpose, they produced letters without any name, pretended to be written from Amsterdam, signifying, "that they had intelligence there, that "there was an army ready in Denmark to be transported into England, and was to be landed at "Hull; which, they said, had been confirmed to "them by a person of reputation, from Newmarket, "who confirmed the intelligence of Denmark: and "added, that there [were] likewise forces ready "in France to be likewise landed at Hull."

And of this, how gross and ridiculous soever it appeared to wise men, they made a double use, (besides the general impression in the people,) the one to colour and countenance their orders to their governor there; the other, to make the king's

residence in those parts suspected and grievous, as if he came thither only to bring in foreign forces upon them. With these alarums of foreign forces, they mingled other intelligence of the papists in England, " that they had a purpose of making an " insurrection;" and therefore they proceeded in preparing a bill to secure the persons of those of the best quality, and greatest interest, and enjoining the oath of supremacy to be taken with great rigour; and, amongst other stratagems they had to humble the papists, I remember, upon an information that they used their protestant tenants worse in the raising their rents, than they did those of their own religion, there was an order, " that they " should not raise the rents of their tenants, above " the rates that the protestant landlords adjoining " received from their tenants:" by virtue of which, in some places, they undertook to determine what rents their tenants should pay to them. But, in this zeal against the papists, they could not endure that the king should have any share; and therefore, when they found, that his majesty had published a proclamation in his journey towards York, " commanding all the judges and justices of peace, " and other officers, to put in due execution all the " laws and statutes of the kingdom, against popish " recusants, without favour or connivance," they presently sent for the sheriffs of London to the house of commons, and examined them, " why " seven priests, who were in Newgate, and had " been long condemned, were not executed?" the reason whereof they well knew: and when they said, " that they had received a reprieve for them " under the king's hand," they published that with

great care in their prints, to take off the credit of the new proclamation; and appointed their messengers, whom they were then sending to the king with a new declaration, to move his majesty, "that "he would take off his reprieve, and suffer those "seven condemned priests to be executed, accord- "ing to the judgments they had received."

They proceeded now to provide all necessary means for the raising great sums of money, by the diligent collection of what was granted by former acts, and by a new bill for the raising of four hundred thousand pounds for the payment of the great debts of the kingdom, (by which they meant the remainder of the three hundred thousand pounds, they had bountifully given to their brethren of Scotland,) and the support of the war of Ireland: all which monies were to be received and disposed as the two houses should direct; of which though the king saw the danger, that might, and after did ensue to them, yet he thought that probable inconvenience and mischief to be less, than that, which the scandal of denying any thing, upon which the recovery of Ireland seemed to depend, would inevitably bring upon him; and so ratified whatsoever they brought to him of that kind.

Amongst other expedients for raising of money for the war of Ireland, about this time, they made certain propositions to encourage men to be adventurers in that traffick, thus: they concluded "that, "in so general a rebellion, very much land must "escheat to the crown by the forfeiture of treason, "and that, out of such forfeitures, satisfaction "might be given to those, who should disburse "money towards the suppression of the rebels; so

" many acres of land to be allowed for so much " money, according to the value of the lands in the " several provinces, which was specified in the pro- " positions;" which, having passed both houses, were presented to the king, who (it being about the beginning of February, when the breach of their privileges rang in all men's ears) answered, " that " as he had offered, and was still ready to venture, " his own person for the recovery of that kingdom, " if his parliament should advise him thereunto; " so he would not deny to contribute any other " assistance he could to that service, by parting " with any profit or advantage of his own there; " and therefore, relying upon the wisdom of his " parliament, he did consent to every proposition, " now made to him, without taking time to consider " and examine, whether that course might not " retard the reducing that kingdom, by exasperat- " ing the rebels, and rendering them desperate of " being received into grace, if they should return " to their obedience. And, he said, he would be " ready to give his royal assent to such bills, as " should be tendered to him by his parliament for " the confirmation of those propositions."

Which answer, together with their propositions, they caused forthwith to be printed; made their committees, in all places, to solicit subscriptions, and to receive the monies, the principal and most active persons subscribing first, for the example of others; and delayed the framing and presenting the bill to the king, till they had received great sums of money, and procured very many persons of all conditions to subscribe, many coming in out of pure covetousness to raise great fortunes; five

hundred acres of land being assigned for one hundred pound in some counties, and not much under that proportion in others; some out of pure fear, and to win credit with the powerful party, which made this new project a measure of men's affections, and a trial how far they might be trusted, and relied on.

Then they sent those propositions digested into a bill to the king, with such clauses of power to them, and diminution of his own, that, upon the matter, he put the making a peace with the rebels there out of his own power, though upon the most advantageous terms; which he was likewise necessitated to pass.

But notwithstanding all these preparations on this side the sea, the relief and provision was very slowly supplied to the other side: where the rebels still increased in strength, and by the fame of these propositions enlarged their power, very many persons of honour and fortune, who till then had sat still, and either were, or seemed to be, averse to the rebellion, joining with them, as being desperate, and conceiving the utter suppressing their religion, and the very extirpation of their nation, to be decreed against them. And, without doubt, the great reformers here were willing enough to drive them to any extremity, both out of revenge and contempt, as a people easy to be rooted out, and that the war might be kept still up; since they feared an union in that kingdom might much prejudice their designs in this, both as it might supply the king with power, and take away much of theirs; whereas now they had opportunity, with reference to Ireland, to raise both men and money,

which they might be able to employ upon more pressing occasions, as they will be found afterwards to have done. Neither was it out of their expectation and view, that, by the king's consenting to that severe decree, he might very probably discourage his catholic subjects, in his other dominions, from any extraordinary acts of duty and affection: at least, that it would render him less considered by the most catholic princes. And they knew well what use to make of any diminution of his interest or reputation. These matters thus settled, for the ease of the two houses, who were now like to have much to do, they appointed the whole business of Ireland to be managed by commission under the great seal of England, by four lords and eight commoners, whom they recommended to the king, and who were always to receive instructions from themselves. And in this state and disposition were the affairs of Ireland, when the king went to York, where let us now resort to him.

THE END OF THE FOURTH BOOK.

THE

HISTORY

OF THE

REBELLION, &c.

BOOK V.

AS soon as the king came to York, which was about the end of the year 1641, and found his reception there to be equal to his expectation, the gentry, and men of ability of that great and populous county, (some very few excepted,) expressing great alacrity for his majesty's being with them, and no less sense of the insolent proceedings of the parliament; whereupon he resolved to treat with the two houses in another manner than he had done, and to let them clearly know, "that as he would "deny them nothing that was fit for them to ask, "so he would yield to nothing that was unreasonable for him to grant; and that he would have "nothing extorted from him, that he was not very "well inclined to consent to." So, within few days after his coming thither, he sent a declaration (which he caused to be printed, and, in the frontispiece, recommended to the consideration of all his

loving subjects) to them, in answer to that presented to him at Newmarket some days before: he told them,

"That, though that declaration, presented to "him at Newmarket from both houses of parlia- "ment, [was] of so strange a nature, in respect of "what he expected, (after so many acts of grace "and favour to his people,) and some expressions "in it so different from the usual language to "princes, that he might well take a very long time "to consider it; yet the clearness and uprightness "of his conscience to God, and love to his sub- "jects, had supplied him with a speedy answer; "and his unalterable affection to his people pre- "vailed with him to suppress that passion, which "might well enough become him upon such an in- "vitation. He said, he had considered his answer "of the first of that month at Theobalds, which "was said to have given just cause of sorrow "to his subjects: but, he said, whoever looked "over that message, (which was in effect to tell "him, that if he would not join with them in an "act, which he conceived might prove prejudicial "and dangerous to him, and the whole kingdom, "they would make a law without him, and impose "it upon his people,) would not think that sudden "answer could be excepted to. He said, he had "little encouragement to replies of that nature, "when he was told of how little value his words "were like to be with them, though they came "accompanied with all the actions of love and jus- "tice, (where there was room for actions to accom- "pany them;) yet he could not but disavow the "having any such evil counsel, or counsellors

" about him, to his knowledge, as were mentioned " by them; and, if any such should be discovered, " he would leave them to the censure and judgment " of his parliament. In the mean time he could " wish, that his own immediate actions, which he " did avow, and his own honour, might not be so " roughly censured and wounded, under that com- " mon style of evil counsellors. For his faithful " and zealous affection to the true protestant pro- " fession, and his resolution to concur with his par- " liament in any possible course for the propaga- " tion of it, and the suppression of popery, he said " he could say no more than he had already ex- " pressed in his declaration to all his loving sub- " jects, published in January last, by the advice of " his privy council; in which he endeavoured to " make as lively a confession of himself in that " point as he was able, being most assured, that " the constant practice of his life had been answer- " able thereunto: and therefore he did rather ex- " pect a testimony, and acknowledgment of such " his zeal and piety, than those expressions he met " with in that declaration of any design of altering " religion in this kingdom. And he said, he did, " out of the innocency of his soul, wish, that the " judgments of Heaven might be manifested upon " those, who have or had any such design.

" As for the Scots' troubles, he told them, he " had thought, that those unhappy differences had " been wrapped up in perpetual silence by the act " of oblivion; which, being solemnly passed in the " parliaments of both kingdoms, stopped his own " mouth from any other reply, than to shew his " great dislike for reviving the memory thereof.

" He said, if the rebellion in Ireland, so odious to " all Christians, seemed to have been framed and " maintained in England, or to have any counte- " nance from hence, he conjured both his houses of " parliament, and all his loving subjects whatsoever, " to use all possible means to discover and find " such out, that he might join in the most exem- " plary vengeance upon them, that could be " imagined. But, he told them, he must think " himself highly and causelessly injured in his repu- " tation, if any declaration, action, or expression of " the Irish rebels; any letter from the count " Rozetti to the papists, for fasting and praying; " or from Tristram Whetcomb, of strange speeches " uttered in Ireland, should beget any jealousy " or misapprehension in his subjects of his justice, " piety, and affection: it being evident to all under- " standings, that those mischievous and wicked " rebels are not so capable of great advantage, as " by having their false discourses so far believed, " as to raise fears and jealousies to the distraction " of this kingdom; the only way to their security. " He said, he could not express a deeper sense of " the sufferings of his poor protestant subjects in " that kingdom, than he had done in his often " messages to both houses; by which he had " offered, and was still ready, to venture his royal " person for their redemption; well knowing, that " as he was, in his own interests, more concerned " in them; so he was to make a strict account to " Almighty God for any neglect of his duty, or " their preservation.

" For the manifold attempts to provoke his late " army, and the army of the Scots, and to raise a

" faction in the city of London, and other parts of " the kingdom, if it were said as relating to him, " he could not without great indignation suffer " himself to be reproached to have intended the " least force, or threatening to his parliament; as " the being privy to the bringing up of the army " would imply. Whereas, he called God to wit- " ness, he never had any such thought, or knew " of any such resolution concerning his late army. " For the petition shewed to him by captain Leg, " he said, he well remembered the same, and the " occasion of that conference. Captain Leg being " lately come out of the north, and repairing to " him at Whitehall, his majesty asked him of the " state of his army; and, after some relation of it, " he told his majesty, that the commanders and " officers of the army had a mind to petition the " parliament, as others of his people had done, and " shewed him the copy of a petition; which he " read, and finding it to be very humble, desiring " the parliament might receive no interruption in " the reformation of the church and state, to the " model of queen Elizabeth's days, his majesty told " him, that he saw no harm in it; whereupon " captain Leg replied, that he believed all the " officers of the army would like it; only, he " thought, sir Jacob Ashley would be unwilling to " sign it, out of fear that it might displease him. " His majesty then read the petition over again; " and observing nothing in matter or form he con- " ceived could possibly give just cause of offence, he " delivered it to him again, bidding him give it to " sir Jacob Ashley, for whose satisfaction he writ " C. R. upon it, to testify his approbation; and he

" wished that the petition might be seen and pub-
" lished, and then he believed it would appear no
" dangerous one, nor a just ground for the least
" jealousy or misapprehension.

" For Mr. Jermyn, he said, it was well known
" that he was gone from Whitehall, before he re-
" ceived the desire of both houses for the restraint
" of his servants; neither returned he thither, or
" passed over by any warrant granted by him after
" that time. For the breach of privilege in the
" accusation of the lord Kimbolton, and the five
" members of the house of commons, he told them,
" he thought, he had given so ample satisfaction
" in his several messages to that purpose, that it
" should have been no more pressed against him;
" being confident, if the breach of privilege had
" been greater than ever had been before offered,
" his acknowledgment and retractation had been
" greater than ever king had given: besides the
" not examining how many of his privileges had
" been invaded in defence and vindication of the
" other. And therefore he hoped his true and
" earnest protestation in his answer to their order
" concerning the militia, would so far have satisfied
" them of his intentions then, that they would no
" more have entertained any imagination of any
" other design, than he there expressed. But why
" the listing so many officers, and entertaining
" them at Whitehall, should be misconstrued, he
" said, he much marvelled, when it was notoriously
" known the tumults about Westminster were so
" great, and their demeanour so scandalous and
" seditious, that he had good cause to suppose his
" own person, and those of his wife and children,

" to be in apparent danger; and therefore he had " great reason to appoint a guard about him, and " to accept the dutiful tender of the services of any " of his loving subjects, which was all he did to the " gentlemen of the inns of court.

"For the lord Digby, he assured them in the " word of a king, that he had his warrant to pass " the seas, and had left his court, before ever he " heard of the vote of the house of commons, or " had any cause to imagine that his absence would " have been excepted against. What their adver- " tisements were from Rome, Venice, Paris, and " other parts, or what the pope's nuncio solicits " the kings of France or Spain to do, or from what " persons such informations come to them, or how " the credit and reputation of such persons had " been sifted and examined, he said, he knew not; " but was confident, no sober honest man in his " kingdoms could believe, that he was so desperate, " or so senseless, to entertain such designs, as would " not only bury this his kingdom in sudden dis- " traction and ruin, but his own name and posterity " in perpetual scorn and infamy. And therefore, " he said, he could have wished in matters of so " high and tender a nature, wherewith the minds " of his good subjects must needs be startled, all " the expressions had been so plain and easy, that " nothing might stick with them that reflected " upon his majesty; since they thought fit to " publish it at all.

" And having now dealt thus plainly and freely " with them, by way of answer to the particular " grounds of their fears, he said, he hoped, upon a " due consideration and weighing of both together,

" they would not find the grounds to be of that " moment to beget, or longer to continue, a mis- " understanding between them; or force them to " apply themselves to the use of any other power, " than what the law had given them: the which " he always intended should be the measure of his " own power, and expected it should be the rule of " his subjects' obedience.

" Concerning his own fears and jealousies, as he " had no intention of accusing them, so he said, he " was sure no words spoken by him on the sudden " at Theobalds would bear that interpretation. " He had said, for his residence near them, he " wished it might be so safe and honourable, that " he had no cause to absent himself from White- " hall; and how that could be a breach of privilege " of parliament he could not understand. He said, " he had explained his meaning in his answer at " Newmarket, at the presentation of that declara- " tion, concerning the printed seditious pamphlets, " and sermons, and the great tumults at West- " minster: and he said, he must appeal to them, " and all the world, whether he might not justly " suppose himself in danger of either. And if he " were now at Whitehall, he asked them, what " security he had, that the like should not be " again? especially if any delinquents of that nature " had been apprehended by the ministers of justice, " and had been rescued by the people, and so as " yet had escaped unpunished. He told them, if " they had not yet been informed of the seditious " words used in, and the circumstances of those " tumults, and would appoint some way for the " examination of them, he would require some of

" his learned council to attend with such evidence " as might satisfy them; and till that were done, " or some other course should be taken for his " security, he said, they could not with reason " wonder, that he intended not to be, where he " most desired to be.

" He asked them, whether there could yet want " evidence of his hearty and importunate desire to " join with his parliament, and all his faithful sub- " jects, in defence of the religion and public good " of the kingdom? Whether he had given them no " other earnest but words, to secure them of those " desires? He told them the very remonstrance of " the house of commons (published in November " last) of the state of the kingdom allowed him a " more real testimony of his good affections, than " words; that remonstrance valued his acts of grace " and justice at so high a rate, that it declared the " kingdom to be then a gainer, though it had " charged itself, by bills of subsidies and poll- " money, with the levy of six hundred thousand " pounds, besides the contracting a debt of two " hundred and twenty thousand pounds more " to his subjects of Scotland. He asked them, " whether the bills for the triennial parliament, for " relinquishing his title of imposing upon merchan- " dise, and power of pressing of soldiers, for the " taking away the star-chamber and high-commis- " sion courts, for the regulating the council-table, " were but words? whether the bills for the forests, " the stannary courts, the clerk of the market, and " the taking away the votes of bishops out of the " lords' house, were but words? Lastly, what " greater earnest of his trust, and reliance on his

" parliament, he could give, than the passing the " bill for the continuance of this present parliament? " the length of which, he said, he hoped, would " never alter the nature of parliaments, and the " constitution of this kingdom; or invite his sub- " jects so much to abuse his confidence, as to esteem " any thing fit for this parliament to do, which were " not fit, if it were in his power to dissolve it to- " morrow. And after all these, and many other " acts of grace on his part, that he might be sure " of a perfect reconciliation between him and all " his subjects, he had offered, and was still ready " to grant, a free and general pardon, as ample as " themselves should think fit. Now if those were " not real expressions of the affections of his soul " for the public good of this kingdom, he said he " must confess that he wanted skill to manifest " them.

" To conclude: although he thought his answer " already full to that point concerning his return " to London, he told them, that he was willing to " declare, that he looked upon it as a matter of so " great weight, as with reference to the affairs of " this kingdom, and to his own inclinations and " desires, that if all he could say, or do, could raise " a mutual confidence, (the only way, with God's " blessing, to make them all happy,) and, by their " encouragement, the laws of the land, and the " government of the city of London, might recover " some life for his security; he would overtake their " desires, and be as soon with them, as they could " wish. And, in the mean time, he would be sure " that neither the business of Ireland, or any other

" advantage for this kingdom, should suffer through " his default, or by his absence; he being so far " from repenting the acts of his justice and grace, " which he had already performed to his people, " that, he said, he should, with the same alacrity, " be still ready to add such new ones, as might best " advance the peace, honour, and prosperity of this " nation."

They who now read this declaration, and remember only the insolent and undutiful expressions in that declaration, to which this was an answer, and the more insolent and seditious actions which preceded, accompanied, and attended it, may think that the style was not answerable to the provocation, nor princely enough for such a contest; and may believe, that if his majesty had then expressed himself with more indignation for what he had suffered, and more resolution, " that he would no more en- " dure those sufferings," they who were not yet grown to the hardiness of avowing the contempt of the king (and most of them having designs to be great with and by him, whom they provoked) would sooner have been checked, and recovered their loyalty and obedience. But they again, who consider and remember that conjuncture of time, the incredible disadvantage his majesty suffered by the misunderstanding of his going to the house of commons, and by the popular mistake of privilege of parliament, and consequently of the breach of those privileges; and, on the contrary, the great height and reputation the factious party had arrived to, the stratagems they used, and the infusions they made into the people, " of the king's disinclination

" to the laws of the land;" and especially, " that " he had consented to all those excellent laws made " this parliament (of which the people were pos- " sessed) very unwillingly, and meant to avoid " them: that the queen had an irreconcilable " hatred to the religion professed, and to the whole " nation, and that her power was unquestionable: " that there was a design to send the prince beyond " the seas, and to marry him to some papist:" above all, (which the principal of them, with wonderful confidence, in all places avowed to be true,) " that the rebellion in Ireland was fomented, and " countenanced at least, by the queen, that good " terms might be got for the catholics in England:" I say, whoever remembers this, and, that though it might be presumed, that the exorbitancy of the parliament might be very offensive to some sober and discerning men, yet his majesty had no reason to presume of their eminent and vehement zeal on his behalf, since he saw all those (two or three only excepted) from whom he might challenge the duty, and faith of servants *usque ad aras*, and for whose sake he had undergone many difficulties, either totally aliened from his service, and engaged against him, or, like men in a trance, unapplicable to it: he will conclude that it concerned his majesty, by all gentleness and condescension, to undeceive and recover men to their sobriety and understanding, before he could hope to make them apprehensive of their own duty, or the reverence that was due to him; and therefore, that he was to descend to all possible arts and means to that purpose, it being very evident, that men would no sooner discern his princely justice and clemency, than they must be

sensible of the indignities which were offered to him, and incensed against those who were the authors of them.

And the truth is, (which I speak knowingly,) at that time, the king's resolution was to shelter himself wholly under the law; to grant any thing, that by the law he was obliged to grant; and to deny what by the law was in his own power, and which he found inconvenient to consent to; and to oppose and punish any extravagant attempt by the force and power of the law, presuming that the king and the law together would have been strong enough for any encounter that could happen; and that the law was so sensible a thing, that the people would easily perceive who endeavoured to preserve, and who to suppress it, and dispose themselves accordingly.

The day before this answer of his majesty came to them, though they knew they should speedily receive it, lest somewhat in it might answer, and so prevent some other scandals they had a mind to lay to his majesty's charge, they sent a petition to him, in the name of the lords and commons, upon occasion of the short cursory speech he made to their committee, (which is before mentioned,) at the delivery of their declaration at Newmarket, in which they told him,

"That the lords and commons in parliament "could not conceive, that that declaration, which "he received from them at Newmarket, was such "as did deserve that censure his majesty was "pleased to lay upon them in that speech, which "his majesty made to their committee; their "address therein, being accompanied with plain-

" ness, humility, and faithfulness, they thought " more proper for the removing the distraction of " the kingdom, than if they had then proceeded " according to his message of the twentieth of " January; by which he was pleased to desire, " that they would declare, what they intended to " do for his majesty, and what they expected to " be done for themselves; in both which, they " said, they had been very much hindered by his " majesty's denial to secure them, and the whole " kingdom, by disposing the militia as they had " divers times most humbly petitioned. And yet, " they said, they had not been altogether negli- " gent of either, having lately made good proceed- " ings in preparing a book of rates, to be passed " in a bill of tonnage and poundage, and likewise " the most material heads of those humble desires, " which they intended to make to his majesty for " the good and contentment of his majesty and " his people; but none of these could be perfected " before the kingdom be put in safety, by settling " the militia: and until his majesty should be " pleased to concur with his parliament in those " necessary things, they held it impossible for his " majesty to give the world, or his people, such " satisfaction concerning the fears and jealousies, " which they had expressed, as they hoped his " majesty had already received touching that ex- " ception, which he was pleased to take to Mr. Pym's " speech. As for his majesty's fears and doubts, " the ground whereof was from seditious pamphlets " and sermons, they said, they should be as careful " to endeavour the removal [of them], as soon as " they should understand what pamphlets and

" sermons were by his majesty intended, as they " had been to prevent all dangerous tumults. And " if any extraordinary concourse of people out of " the city to Westminster had the face and show " of tumult and danger, in his majesty's apprehen- " sion, it would appear to be caused by his ma- " jesty's denial of such a guard to his parliament, " as they might have cause to confide in; and by " taking into Whitehall such a guard for himself, " as gave just cause of jealousy to the parliament, " and of terror and offence to his people. They " told him, they sought nothing but his majesty's " honour, and the peace and prosperity of his " kingdoms; and that they were heartily sorry " they had such plentiful matter [for] an answer to " that question, whether his majesty had violated " their laws? They besought his majesty to re- " member, that the government of this kingdom, " as it was, in a great part, managed by his " ministers before the beginning of this parliament, " consisted of many continued and multiplied acts " of violation of laws; the wounds whereof were " scarcely healed, when the extremity of all those " violations was far exceeded by the late strange " and unheard of breach of their laws in the ac- " cusation of the lord Kimbolton, and the five " members of the commons' house, and in the " proceedings thereupon; for which they had yet " received no full satisfaction.

" To his majesty's next question, whether he had " denied any bill for the ease and security of his " subjects? they wished they could stop in the " midst of their answer; that with much thankful- " ness they acknowledged, that his majesty had

" passed many good bills full of contentment and " advantage to his people: but truth and neces- " sity enforced them to add this, that, even in or " about the time of passing those bills, some de- " sign or other had been on foot, which, if it " had taken effect, would not only have de- " prived them of the fruit of those bills, but have " reduced them to a worse condition of confusion, " than that wherein the parliament found them.

" And if his majesty had asked them the third " question intimated in that speech, what they " had done for him? they told him, their answer " would have been much more easy; that they had " paid two armies with which the kingdom was " burdened the last year, and had undergone the " charge of the war in Ireland at this time, when, " through many other excessive charges and pres- " sures, whereby his subjects had been exhausted, " and the stock of the kingdom very much di- " minished; which great mischiefs, and the charges " thereupon ensuing, had been occasioned by the " evil counsels so powerful with his majesty, and " would cost this kingdom more than two millions; " all which, in justice, ought to have been borne " by his majesty.

" As for that free and general pardon his " majesty had been pleased to offer, they said, it " could be no security to their fears and jealousies, " for which his majesty seemed to propound it; " because they arose not from any guilt of their " own actions, but from the evil designs and at- " tempts of others.

" To that their humble answer to that speech, " they desired to add an information, which they

" lately received from the deputy governor of the " merchant adventurers at Rotterdam in Holland, " that an unknown person, appertaining to the " lord Digby, did lately solicit one James Henly, a " mariner, to go to Elsinore, and to take charge " of a ship in the fleet of the king of Denmark, " there prepared; which he should conduct to " Hull. In which fleet likewise, he said, a great " army was to be transported: and although they " were not apt to give credit to informations of " that nature, yet they could not altogether think " it fit to be neglected; but that it might justly " add somewhat to the weight of their fears and " jealousies, considering with what circumstances " it was accompanied; with the lord Digby's pre- " cedent expressions in his letter to her majesty, " and sir Lewis Dives; and his majesty's suc- " ceeding course of withdrawing himself north- " ward from his parliament, in a manner very " suitable and correspondent to that evil counsel; " which, they doubted, would make much deeper " impression in the generality of his people: and " therefore they most humbly advised, and be- " sought his majesty, for the procuring and settling " the confidence of his parliament and all his " subjects, and for the other important reasons " concerning the recovery of Ireland, and securing " this kingdom, which had been formerly presented " to him, he would be graciously pleased, with all " convenient speed, to return to those parts, and " to close with the counsel and desire of his par- " liament; where he should find their dutiful " affections and endeavours ready to attend his " majesty with such entertainment, as should not

" only give him just cause of security in their " faithfulness, but other manifold evidences of " their earnest intentions, and endeavours to ad- " vance his majesty's service, honour, and con- " tentment; and to establish it upon the sure " foundation of the peace and prosperity of all his " kingdoms."

This, which they called a petition, being presented to the king, his majesty immediately returned, by the same messengers, his answer in these words:

" If you would have had the patience to have " expected our answer to your last declaration, " (which, considering the nature of it, hath not " been long in coming,) we believe, you would " have saved yourselves the labour of saying much " of this message. And we could wish, that our " privileges on all parts were so stated, that this " way of correspondency might be preserved with " that freedom, which hath been used of old. For " we must tell you, that if you may ask any thing " of us by message, or petition, and in what " language (how unusual soever) you think fit; " and we must neither deny the thing you ask, " nor give a reason why we cannot grant it, with- " out being taxed of breaking your privileges, or " being counselled by those, who are enemies to " the peace of the kingdom, and favourers of the " Irish rebellion, (for we have seen your printed " votes upon our message from Huntington,) you " will reduce all our answers hereafter into a " very little room; in plain English, it is to take " away the freedom of our vote; which, were we " but a subject, were high injustice; but being

" your king, we leave all the world to judge what " it is.

" Is this the way to compose all misunderstand- " ings? we thought we shewed you one, by our " message of the twentieth of January; if you " have a better or readier, we shall willingly " hearken to it, for hitherto you have shewed us " none. But why the refusal to consent to your " order, which you call a denial of the militia, " should be any interruption to it, we cannot un- " derstand. For the militia, which we always " thought necessary to be settled, we never denied " the thing (as we told you in our answer of the " twenty-eighth of January) to the petition of the " house of commons; for we accepted the persons, " except for corporations; we only denied the way. " You ask it by way of ordinance, and with such a " preface, as we can neither with justice to our " honour or innocency consent to. You exclude " us from any power in the disposition or ex- " ecution of it together with you, and for a time " utterly unlimited. We tell you, we would " have the thing done; allow the persons, with " that exception; desire a bill, the only old way of " imposing on our subjects: we are extremely un- " satisfied what an ordinance is, but well satisfied, " that without our consent it is nothing, not bind- " ing: and it is evident by the long time spent in " this argument, the necessity and danger was not " so imminent, but a bill might have been pre- " pared; which if it shall yet be done, with that " due regard to us, and care of our people, in the " limitation of the power and other circumstances, " we shall recede from nothing we formerly ex-

" pressed in that answer to your order; otherwise, " we must declare to all the world, that we are not " satisfied with, or shall ever allow our subjects to " be bound by, your printed votes of the fifteenth " or sixteenth of this month; or that, under pre- " tence of declaring what the law of the land is, " you shall, without us, make a new law, which is " plainly the case of the militia: and what is this " but to introduce an arbitrary way of govern- " ment?

" Concerning Pym's speech, you will have found, " by what the lord Compton and Mr. Baynton " brought from us in answer to that message they " brought to us, [that,] as yet, we rest nothing " satisfied in that particular.

" As for the seditious pamphlets and sermons, " we are both sorry and ashamed (in so great a " variety, and in which our rights, honour, and " authority are so insolently slighted and vilified, " and in which the dignity and freedom of parlia- " ment is so much invaded and violated) it should " be asked of us to name any. The mentioning of " the Protestation Protested, the Apprentices' Pro- " testation, *To your tents, O Israel,* or any other, " would be too great an excuse for the rest: if you " think them not worth your inquiry, we have " done. But we think it most strange to be told, " that our denial of a guard (which we yet never " denied, but granted in another manner, and " under a command at that time most accustomed " in the kingdom,) or the denial of any thing else, " (which is in our power legally to deny,) which in " our understanding, of which God hath surely " given us some use, is not fit to be granted,

" should be any excuse for so dangerous a con-
" course of people; which, not only in our appre-
" hension, but, we believe, in the interpretation of
" the law itself, hath been always held most tu-
" multuous and seditious. And we must wonder,
" what, and whence come the instructions and in-
" formations, that those people have, who can so
" easily think themselves obliged by the protesta-
" tion to assemble in such a manner for the defence
" of privileges, which cannot be so clearly known
" to any of them, and so negligently pass over the
" consideration and defence of our rights, so bene-
" ficial and necessary for themselves, and scarce
" unknown to any of them; which by their oaths
" of allegiance and supremacy, and even by the
" same protestation, they are at least equally obliged
" to defend. And what interruptions such kind of
" assemblies may be to the freedom of future par-
" liaments, (if not seasonably discountenanced and
" suppressed,) we must advise you to consider; as
" likewise, whether both our rights and powers
" may not by such means be usurped, by hands
" not trusted by the constitution of this kingdom.
" For our guard, we refer you to our answer to
" your declaration.

" By that question of violating your laws, by
" which we endeavoured to express our care and
" resolution to observe them, we did not expect
" you would have been invited to have looked back
" so many years, for which you have had so ample
" reparation; neither looked we to have been re-
" proached with the actions of our ministers then
" against the laws, whilst we express so great a
" zeal for the present defence of them; it being

" our resolution, upon observation of the mischief " which then grew by arbitrary power, (though " made plausible to us by the suggestions of neces- " sity and imminent danger; and take you heed, " you fall not into the same error, upon the same " suggestions,) hereafter to keep the rule ourself, " and to our power require the same from all " others. But above all, we must be most sensible " of what you cast upon us for requital of those " good bills, you cannot deny. We have denied " any such design; and as God Almighty must " judge in that point between us, who knows our " upright intentions at the passing those laws, so " in the mean time we defy the Devil to prove, " that there was any design (with our knowledge " or privity) in or about the time of passing those " bills, that, had it taken effect, could have de- " prived our subjects of the fruit of them. And " therefore we demand full reparation in this point, " that we may be cleared in the sight of all the " world, and chiefly in the eyes of our loving sub- " jects, from so notorious and false an imputation " as this is.

" We are far from denying what you have done; " for we acknowledge the charge our people have " sustained in keeping the two armies, and in re- " lieving Ireland; of which we are so sensible, " that, in regard of those great burdens our people " have undergone, we have, and do patiently suffer " those extreme personal wants, as our predeces- " sors have been seldom put to, rather than we " would press upon them; which we hope in time " will be considered on your parts.

" In our offer of a general pardon, our intent

" was to compose and secure the general condition
" of our subjects, conceiving that, in these times of
" great distractions, the good laws of the land have
" not been enough observed: but it is a strange
" world, when princes' proffered favours are counted
" reproaches: yet if you like not this our offer, we
" have done.

" Concerning any discourses of foreign forces,
" though we have given you a full answer in ours
" to your last declaration, yet we must tell you, we
" have neither so ill an opinion of our own merit,
" or the affections of our good subjects, as to think
" ourself in need of any foreign forces to preserve
" us from oppression; and we shall not need for
" any other purpose: but are confident, through
" God's providence, not to want the good wishes
" and assistance of the whole kingdom, being re-
" solved to build upon that sure foundation, the
" law of the land: and we take it very ill, that
" any general discourses between an unknown per-
" son and a mariner, or inferences upon letters,
" should be able to prevail in matters so improbable
" in themselves, and scandalous to us; for which
" we cannot but likewise ask reparation, not only
" for the vindicating of our own honour, but also
" thereby to settle the minds of our subjects,
" whose fears and jealousies would soon vanish,
" were they not fed and maintained by such false
" and malicious rumours as these.

" For our return to our parliament, we have
" given you a full answer in ours to your declara-
" tion; and you ought to look on us as not gone,
" but driven (we say not by you, yet) from you.
" And if it be not so easy for you to make our resi-

" dence in London so safe as we could desire, we " are and will be contented, that our parliament be " adjourned to such a place, where we may be fitly " and safely with you. For though we are not " pleased to be at this distance, yet you are not to " expect our presence, until you shall both secure " us concerning our just apprehensions of tumul- " tuary insolences, and likewise give us satisfaction " for those insupportable and insolent scandals, that " are raised upon us.

" To conclude: as we have or shall not refuse " any way agreeable to justice or honour, which " shall be offered to us for the begetting a right " understanding between us; so we are resolved " that no straits or necessities, to which we may be ' driven, shall ever compel us to do that, which " the reason and understanding that God hath " given us, and our honour and interest, with " which God hath trusted us for the good of our " posterity and kingdoms, shall render unpleasant " and grievous to us. And we assure you, that " how meanly soever you are pleased to value the " discharge of our public duty, we are so conscious " to ourself of having done our part since this " parliament, that, in whatsoever condition we now " stand, we are confident of the continued pro- " tection from Almighty God, and the constant " gratitude, obedience, and affection from our " people. And we shall trust God with all."

These quick answers from the king gave them very much trouble, and made it evident to them, that he would be no more swaggered into concessions that he thought unreasonable, or persuaded to them upon general promises, or an implicit con-

fidence in their future modesty; but that he demanded reparation for the breach of his privileges, and so fought with them with their own weapons, troubled them much more; apprehending that, in a short time, the people might be persuaded to believe, that the king was in the right, and had not been well dealt with: and though some few, who thought themselves too far engaged to retire, were glad of the sharpness of these paper skirmishes, which they believed made the wound still wider, and more incurable; yet the major part, which had been induced to join with them out of confidence that the king would yield, and that their boldness and importunity in asking would prevail with his majesty to consent, wished themselves fairly unentangled: and I have heard many of the fiercest concurrers, and who have ever since kept them company, at that time profess, "that if any expe-"dient might be found to reconcile the present "difference about the militia, they would no more "adventure upon demands of the like nature:" and the earl of Essex himself was startled, and confessed to his friends, "that he desired a more "moderate proceeding should be in parliament; "and that the king, who had given so much, should "receive some satisfaction." But those of the court, who thought their faults to their master most unpardonable, could not endure that he being the youngest courtier should be the eldest convert; and therefore, by repeating what the king and queen had said of him heretofore, and by fresh intelligence, which they procured from York, of what the king then thought of him, they persuaded him, "that "his condition was too desperate to recede:" and

all men were persuaded, that this severe deportment of the king proceeded from the spirit of some new evil counsellors, who would be as soon destroyed as discovered; and that then they would so carry themselves, that the king should owe his greatness and his glory (for they still said, "he should excel "all his predecessors in both") to their formed counsels and activity, and not to the whispers of those who thought to do his business without them. And I am persuaded, that even then, and I was at that time no stranger to the persons of most that governed, and a diligent observer of their carriage, they had rather a design of making themselves powerful with the king, and great at court, than of lessening the power of the one, or reforming the discipline of the other: but, no doubt, there were some few in the number that looked further; yet, by pretending that, kept up the mettle of writing, and inclined them for their honour to new declarations.

When the king came to York, he found himself at ease; the country had received him with great expressions of joy and duty, and all persons of quality of that great county, and of the counties adjacent, resorted to him, and many persons of condition from London, and those parts, who had not the courage to attend upon him at Whitehall; so that the court appeared with some lustre. And now he began to think of executing some of those resolutions, which he had made with the queen before her departure; one of which was, and to be first done, the removing the earls of Essex and Holland from their offices in the court, the one of chamberlain, the other of groom of the stole, which

hath the reputation and benefit of being first gentleman of the bedchamber. Indeed no man could speak in the justification of either of them, yet no man thought them both equally culpable. The earl of Holland was a person merely of the king's creation; raised from the condition of a private gentleman, a younger brother of an extraction that lay under a great blemish, and without any fortune, to a great height by the king's mere favour and bounty. And he had not only adorned him with titles, honours, and offices, but enabled him to support those in the highest lustre, and with the largest expense: and had drawn many inconveniences, and great disadvantages, upon himself and his service, by his preferring him to some trusts, which others did not only think themselves, but really were, worthier of; but especially by indulging him so far in the rigorous execution of his office of chief justice in eyre, in which he brought more prejudice upon the court, and more discontent upon the king, from the most considerable part of the nobility and gentry in England, than any one action, that had its rise from the king's will and pleasure, though it was not without some warrant from law; which having not been practised for some hundreds of years, was looked upon as a terrible innovation and exaction upon persons, who knew not that they were in any fault; nor was any imputed to them, but the original sin of their forefathers, even for which they were obliged to pay great penalties and ransoms. That such a servant should suffer his zeal to lessen and decay towards such a master, and that he should keep a title to lodge in his bedchamber, from whose court he had upon the matter

withdrawn himself, and adhered to and assisted those who affronted and contemned his majesty so notoriously, would admit of no manner of interposition and excuse.

Less was to be objected against the earl of Essex, who, as he had been, all his life, without obligations from the court, and believed he had undergone oppression there, so he was, in all respects, the same man he had always professed himself to be, when the king put him into that office; and in receiving of which, many men believed, that he rather gratified the king, than that his majesty had obliged him in conferring it; and it had been, no doubt, the chief reason of putting the staff in his hand, because in that conjuncture no other man, who would in any degree have appeared worthy of it, had the courage to receive it. However having taken the charge upon him, he ought, no doubt, to have taken all his master's concernments more to heart, than he had done; and he can never be excused for staying in Whitehall, when the king was with that outrage driven from thence, and for choosing to behold the triumph of the members' return to Westminster, rather than to attend his majesty's person in so great perplexity to Hampton-court; which had been his duty to have done, and for failing wherein no other excuse can be made, but that, after he had taken so full a resolution to have waited upon his majesty thither, that he had dressed himself in his travelling habit, he was diverted from it by the earl of Holland, who ought to have accompanied him in the service, and by his averment, "that if he went, he should be "assassinated;" which was never thought of.

Notwithstanding all this, the persons trusted by his majesty, and remaining at London, had no sooner notice of it, (which his majesty sent to them, that he might be advised the best way of doing it,) but they did all they could to dissuade the pursuing it. They did not think it a good conjuncture to make those two desperate; and they knew that they were not of the temper and inclinations of those, who had too much credit with them, nor did desire to drive things to the utmost extremities, which could never better their conditions; and that they did both rather desire to find any expedients, by which they might make a safe and an honourable retreat, than to advance in the way they were engaged. But the argument they chiefly insisted on to the king, was, "that, being deprived of their "offices, they would be able to do more mischief, "and ready to embark themselves with the most "desperate persons, in the most desperate at-"tempts;" which fell out accordingly. And there is great reason to believe, that if that resolution the king had taken had not been too obstinately pursued at that time, many of the mischiefs, which afterwards fell out, would have been prevented; and, without doubt, if the staff had remained still in the hands of the earl of Essex, by which he was charged with the defence and security of the king's person, he would never have been prevailed with to have taken upon him the command of that army, which was afterwards raised against the king, and with which so many battles were fought. And there can be as little doubt in any man, who knew well the nature and temper of that time, that it had been utterly impossible, for the two houses of par-

liament to have raised an army then, if the earl of Essex had not consented to be general of that army.

But the king was inexorable in the point; he was obliged by promise to the queen at parting, which he would not break; and her majesty had contracted so great an indignation against the earl of Holland, whose ingratitude indeed towards her was very odious, that she had said, "she would "never live in the court, if he kept his place." And so the king sent an order to Littleton, then lord keeper of the great seal, "that he should re- "quire the staff and key from the one and the "other, and receive them into his custody." The keeper trembled at the office, and had not courage to undertake it. He went presently to the lord Falkland, [and] desired him to assist him in making his excuse to the king. He made many professions of his duty to the king, "who, he hoped, "would not command him in an affair so unsuita- "ble to the office he held under him; that no "keeper had ever been employed in such a service; "that if he should execute the order he had re- "ceived, it would in the first place be voted a "breach of privilege in him, being a peer; and the "house would commit him to prison, by which the "king would receive the greatest affront, though "he should be ruined; whereas the thing itself "might be done by a more proper officer, without "any inconvenience."

How weak soever the reasons were, the passion was strong; and the lord Falkland could not refuse to convey his letter to the king, which contained his answer in his own words, with all the imagin-

able professions of duty and zeal for his service. How ill soever his majesty was satisfied, he saw the business would not be done that way; and therefore he writ immediately a letter, all in his own hand, to the lord Falkland; in which with some gracious expressions of excuse for putting that work upon him, he commanded him "to require the sur- "render of the ensigns of their offices from those ".two earls." The lord Falkland was a little troubled in receiving the command: they were persons from whom he had always received great civilities, and with whom he had much credit; and this harsh office might have been more naturally, and as effectually, performed by a gentleman usher, as the same staff had been demanded before from the earl of Pembroke, within less than a year. However, he would make no excuse, being a very punctual and exact person in the performance of his duty; and so went to both of them, and met them coming to the house, and imparted his message to them: they desired him very civilly, "that "he would give them leave to confer a little toge- "ther, and they would, within half an hour, send "for him into the house of commons:" whither he went, and they, within less time, sent to him to meet them in sir Thomas Cotton's garden, (a place adjacent, where the members of both houses used frequently to walk,) and there, with very few words, they delivered the staff and the key into his hands, who immediately carried them to his lodging; and they went up to the house of peers: and immediately both houses took notice of it, and with passion, and bitter expressions against the evil counsellors, who had given his majesty that counsel,

they concurred in a vote, " that whosoever pre-
" sumed to accept of either of those offices, should
" be reputed an enemy to his country;" and then they proceeded with more impetuosity in the business of the militia, and all other matters which most trenched upon the king's authority.

Whilst they were so eager in pursuit of the militia, and pretended the necessity so imminent, that they could not defer the disposition thereof till it might be formally and regularly settled by bill, they had their eye upon another militia, the royal navy; without recovering of which to their own power, (though they were satisfied by the pulse of the people, that they would join with them, and be generally obedient to their commands,) they had no mind to venture upon the execution of their land ordinance. And therefore, in the beginning of the spring, when the fleet for that year was provided, after they [had] excepted against such persons to be captains of ships, as they thought not devoted to them, (as is before mentioned,) they sent a formal message to the lords, " that the earl
" of Northumberland, lord admiral, might be
" moved to constitute the earl of Warwick his
" admiral of the fleet for that year's service, being
" a person of such honour and experience, as they
" might safely confide in him; and that the earl of
" Warwick might be desired to undertake that
" service." The lords thought fit that the king's approbation might be first desired, before it was recommended to the earl of Northumberland: but the commons thought that superfluous, since it was absolutely in the earl's disposal to dispose of the officers of the fleet; and therefore refused to send

to the king, but of themselves sent to both the one earl and the other; and the earl of Warwick, being well pleased with the trust, very frankly, without waiting the king's consent, declared, "that "he was ready to undertake the employment." But this being so publicly agitated, the king could not but take notice of it; and finding that the business should not be proposed to him, thought it necessary to signify his pleasure in it, that so at least the lord admiral might not pretend innocence, if ought should be done to his disservice; and therefore he appointed Mr. Secretary Nicholas to write to the earl of Northumberland, "that his ma-"jesty expected that sir John Pennington should "command that fleet, as he had done two or three "years before." This letter being communicated to both houses, and the lord admiral being thereby upon the disadvantage of a single contest with the king, the house of commons, rather out of kindness and respect to the earl, than of duty to the king, condescended to join with the lords in a message to the king; which they sent not by members of their own, but directed the lord keeper "to inclose "it in a letter to the secretary attending the king, "and to send the same to York;" which he did accordingly. The message was:

"That the lords and commons, in this present "parliament assembled, having found it necessary "to provide, and set to sea, a strong and powerful "navy for the defence of this kingdom against fo-"reign force, and for the security of his majesty's "other dominions, the charge whereof was to be "borne by the commonwealth: and taking notice "of the indisposition of the lord admiral, which

" disabled him, at that time, for commanding the " fleet in his own person, did thereupon recom- " mend unto his lordship the earl of Warwick, a " person of such quality and abilities, in whom they " might best confide, to supply his lordship's room " for this employment: and understanding that " his majesty hath since signified his pleasure con- " cerning that command for John Pennington, " they said, they did hold it their duty to represent " to his majesty the great danger and mischief the " commonwealth was like to sustain by such in- " terruption; and therefore did humbly beseech " his majesty, that the noble person, recommended " by both houses of parliament for this service, " might no longer be detained from it, out of any " particular respect to any other person whatso- " ever."

The same day that this message came to his majesty, he despatched an answer to the lord keeper; in which he told him, " that he wondered both at " the form and matter of that inclosed paper he " had sent to him, in the name of both houses of " parliament; it being neither by the way of peti- " tion, declaration, or letter; and for the matter, " he believed, it was the first time, that the houses " of parliament had taken upon them the nomina- " tion, or recommendation of the chief sea-com- " mander: but it added to the wonder, that sir " John Pennington being already appointed by " him for that service, upon the recommendation " of his admiral, and no fault so much as alleged " against him, another should be recommended to " him. Therefore, he said, his resolution upon " that point was, that he would not alter him,

" whom he had already appointed to command " that year's fleet; whose every ways sufficiency " was so universally known, the which he was " confident his admiral, if there should be occa- " sion, would make most evident; against whose " testimony he supposed his parliament would not " except. And though there were yet none ap- " pointed, or the said sir John, through some ac- " cident, not able to perform the service; yet, he " said, the men of that profession were so well " known to him, besides many other reasons, that " (his admiral excepted, because of his place) re- " commendations of that kind would not be accept- " able to him."

This answer was no other than they expected, though they seemed troubled at it, and pretended that they had many things of misdemeanour to object against sir John Pennington, at least such matters as would render him incapable of that trust; the greatest of which was, that he had conveyed the lord Digby over sea; though they well knew (as is before mentioned) that he had the king's warrant and command for that purpose; and therefore moved the lords that he might be sent for to be examined upon many particulars: and in the mean time, whilst they caused him to attend their leisure to be examined, they proceeded in hastening the earl of Warwick to make himself ready for the service, who made no scruple of undertaking it; and the earl of Northumberland receiving the order, and desire of both houses, " to grant his commission to him to be admiral of " that fleet," thought himself sufficiently excused towards the king, and did it accordingly; the two

houses in the mean time, without any further thought of procuring the king's consent, preparing reasons to satisfy his majesty for the necessity or conveniency of their proceeding.

Many men, especially they who at a distance observed and discerned the difficulties the king was like to encounter, wondered that upon so apparent a breach of trust, and act of undutifulness, his majesty did not at that time revoke the lord admiral's commission, which was but during pleasure; and so put that sure guard of the kingdom, his navy, under such a command as he might depend upon. But the truth is, it was not then counsellable; for (besides that it was easier to resolve, "that it was "fit to remove the earl of Northumberland," than to find a man competent for the place) that way it might have been possible to have prevented the going out of any fleet to sea, which would have confirmed the frantic jealousies of bringing in foreign forces, [but] not have reduced it to his own obedience.

They had, by degrees, so ordered the collection of tonnage and poundage, by passing bills for six weeks and two months at a time, and putting those, who should receive or pay those duties, otherwise than they were granted by those bills, into a *præmunire;* and so terrified the old customers, that the king had no other means of setting out his fleet, than by the monies arising by the customs, which they absolutely disposed of; and at this time had contracted with the victualler, made the ships ready, and hired many merchants' ships to join in that fleet for the guard of the seas. And whilst this matter of the admiral was in suspense, they

suffered the former bill of tonnage and poundage to expire, and did not, till the very night before, pass a new bill; which could not have the royal assent till many days after, the king being then at York. Yet the house of commons, to salve all danger of the *præmunire*, on the twenty-fourth of March, being the very day that the former bill expired, sent an order to all the collectors of the customs, many of which could not receive it in ten days after;

"That the new bill being passed by both houses "for the continuance of those payments until the "third day of May, (which could not yet receive "the royal assent, in regard of the remoteness of "his majesty's person from the parliament,) which "monies to be collected by that bill were to be em- "ployed for the necessary guarding of the seas, and "defence of the commonwealth: it was therefore "ordered by the commons in parliament, that the "several officers belonging to the custom-house, "both in the port in London, and the out-ports, "should not permit any merchant or other to lade "or unlade any goods, or merchandises, before "such persons do first make due entries thereof in "the custom-house. And it was declared also by "the said commons, that such officers, upon the "respective entry made by any merchant as afore- "said, should intimate to such merchant, that it "was the advice of the commons, for the better "ease of the said merchants, and in regard the "respective duties would relate, and become due "as from that day; that the said merchants upon "entry of their goods, as usually they did, when "a law was in force to that purpose, would deposit

" so much money as the several customs would " amount unto, in the hands of such officers, to be " by them accounted to his majesty, as the respect- " ive customs due by the said bill, when the said " bill should have the royal assent; or otherwise, " his majesty refusing the passing thereof, the said " monies to be restored, upon demand, unto the " several merchants respectively."

By which order, which was a more absolute dispensation for a *præmunire*, than ever any *non-obstante* granted by the crown, the customs were as frankly and fully paid, as if an act of parliament had been passed to that purpose; and as soon as the commission could be sent, and returned from York, the act was passed. But no doubt they had a further design in suffering the bill totally to expire, before they prepared a new [one], than at that time was apprehended; and intended, under such a popular necessity, which seemed to be occasioned by the king's absence, to bring their own orders in such reputation, that in another necessity which they should declare, they might by the precedent of this, which was the only indemnity all those merchants who paid, and the officers who received, customs, had for the preservation of their estates, be currently and absolutely obeyed and submitted to.

By this it appears the king could not at that time, with conveniency or safety to his affairs, displace the earl of Northumberland; and he believed, if his occasions should hereafter require it, that the time would be much more seasonable, when the fleet was at sea; and the thing itself more practicable: which was a true conclusion. However, he

expressed so much dislike against the earl of Warwick's commanding that fleet, that he was not willing that any officers whom he valued should take employment under him; which he had shortly after cause to repent. For, by this means, the vice-admiralty, which was designed to captain Cartwright, the comptroller of the navy, who hath since sufficiently testified how advantageously to his majesty he would have managed that charge, upon his refusal (which was occasioned by intimation from his majesty, as shall be hereafter mentioned) was conferred upon Batten, an obscure fellow; and, though a good seaman, unknown to the navy, till he was, two or three years before, for money, made surveyor, who executed it ever since with great animosity against the king's service, of which more hereafter.

Being, by this means, secure at sea, they proceeded with more vigour at land; and, though they thought it not yet seasonable to execute their ordinance for the militia with any form and pomp, they directed, underhand, their agents and emissaries, "that the people, of themselves, should choose "captains and officers, and train under the name "of volunteers;" which began to be practised in many places of the kingdom, but only in those corporations, and by those inferior people, who were notorious for faction and schism in religion. The king's declarations, which were now carefully published, gave them some trouble, and made great impression in sober men, who were moved with the reason, and in rich men, who were startled at the commands in them. But that clause in the king's answer to their declaration, presented to him

at Newmarket, in which he told them, "that if "they had not been informed of the seditious "words used in, and the circumstances of the "tumults, and would appoint some way for the "examination of them, that he would require some "of his learned council to attend with such evi- "dence as might satisfy them," troubled them much more. For if there were still so much courage left in the king's council, that they durst appear to inform against any of those proceedings, which they favoured, they should find men grow more afraid of the law than of them; which would destroy all their designs. Therefore they resolved to proceed with all expedition, and severity, against the attorney general for his trespass and presumption upon their privileges, in the accusation of the five members, and the lord Kimbolton: of the circumstances of which proceeding, and judgment thereupon, being as extraordinary, and as distant from the rules of justice, at least of practice, as any thing that then happened, it will not be amiss to set down two or three particulars.

Shortly after they had impeached him, (which is mentioned before,) and the king had found it necessary to give over any prosecution against them, his majesty being desirous, now he had freed them, that they should free his attorney, writ a letter from Royston, when he was in his way to York, to the lord keeper; in which he told him, "that the "articles, which had been preferred against the "members, [were,] by himself, delivered to his "attorney general, engrossed in paper; and that "he had then commanded him to accuse those "persons, upon those articles of high treason,

" and other misdemeanours; and, in his name, to " desire a committee of lords might be appointed " to take the examinations of such witnesses as " should be produced, as formerly had been done " in cases of like nature, according to the justice " of the house. And his majesty did further " declare, that his said attorney did not advise or " contrive the said articles, nor had any thing to " do with, or in advising, any breach of privilege " that followed after. And for what he did in " obedience to his commands, he conceived he was " bound by oath, and the duty of his place, and by " the trust reposed in him by his majesty, so to " do: and that, if he had refused to obey his " majesty therein, his majesty would have ques- " tioned him for breach of oath, duty, and trust; " but now having declared that he found cause " wholly to desist from proceeding against the " persons accused, he had commanded him to pro- " ceed no further therein, nor to produce nor to " discover any proof concerning the same."

Though this testimony of his majesty's clearly absolved him from the guilt, with which he was charged, yet it rather hastened the trial, and sharpened the edge, that was before keen enough against him; and the day of trial being come, when the members of the commons, who were appointed for the prosecution, found that council was ready (which had been assigned by the lords) for the defence of the attorney general, they professed, " that they would admit no council; that it was " below the dignity of the house of commons to " plead against fee'd council; that whoever pre- " sumed to be of council with a person accused by

" the commons of England, should be taught better " to know his duty, and should have cause to " repent it." The lords seemed much moved with this reproach, that their acts of judicature should be questioned, and the council, which had been justly and regularly assigned by them, should be threatened for submitting to their order. But that which troubled them most, was, that the council, which was assigned by them, upon this reprehension and threat of the commons, positively refused to meddle further in the business, or to make any defence for the attorney. Hereupon they put off the trial, and commit to the Tower of London sir Thomas Bedingfield, and sir Thomas Gardiner, for their contempt in refusing to be of council with the attorney upon their assignment: standers by looking upon the justice of parliament with less reverence, to see the subject, between the contradictory and opposite commands of both houses, (the displeasure of either being insupportable,) punished and imprisoned for not doing, by one, what he was straitly inhibited by the other not to do.

However, this difference gave only respite for some days to the attorney, who was quickly again called before his judges. To what was passionately and unreasonably objected against him, " of breach " of privilege and scandal," he confidently alleged " the duty of his place; that his master's command " was warrant for what he had done; and that he " had been justly punishable, if he had refused to " do it when commanded; that there had never " been a pretence of privilege in case of treason, " the contrary whereof was not only understood " by the law, but had been by themselves confessed,

" in a petition delivered by them in the beginning " of this king's reign, upon the imprisonment of " the earl of Arundel; in which it was acknow- " ledged, that the privilege of parliament extended " not to treason, felony, or refusal to find sureties " for the peace; that he had no reason to suspect " the executing the duty of his place would have " been imputed to him for any trespass, since the " very same thing he had now done, and of which " he stood accused, was done, in the first year of " this king's reign, by sir Robert Heath, the then " attorney general; who exhibited articles of high " treason before their lordships, against the earl of " Bristol, which was not then understood to be " any breach of privilege; and therefore, having " so late a precedent, most of their lordships being " then judges, he hoped he should be held ex- " cusable for not being able to discern that to be " a crime, which they had yet never declared to " be so." The undeniable reasons of his defence (against which nothing was replied, " but the in- " convenience and mischief, which would attend a " parliament, if the members might be accused of " high treason without their consent") prevailed so far with the major part of the house of peers, though the prosecution was [carried on] with all imaginable sharpness and vehemence by the house of commons, and entertained by those peers who were of that party, as a matter of vast concern- ment to all their hopes, that the questions being put, whether he should be deprived of his place of attorney? whether he should be fined to the king? whether he should pay damages to the persons accused? and whether he should be committed to

the Tower? which were the several parts of the sentence, which many of the lords had judged him to undergo, the negative prevailed in every one of the particulars; so that the attorney was understood by all men, who understood the rules and practice of parliament, to be absolutely absolved from that charge and impeachment, by the judgment of the house of peers.

The house of commons expressed all possible resentment, and declared, "that they would not "rest satisfied with the judgment;" and some lords, even of those who had acquitted him, were very desirous to find out an expedient, whereby the house of commons might be compounded with; and it was believed, that the attorney himself was much shaken with the torrent of malice and prejudice, which the house of commons seemed now to threaten him with; conceiving, "that he and his "office now triumphed over the whole body, and "not over six members only:" and therefore, after some days, the house of peers considering, "that his discharge was but negative, that he "should not be punished in this and that degree; "and that he had no absolution from the crime, "with which he was charged," proceeded to a new judgment, (contrary to all course and practice of parliament, or of any judicial court,) and complying with all their other votes, resolved, by way of judgment upon him, "that he should be disabled "from ever being a parliament man; incapable of "any place of judicature, or other preferment, "than of attorney general;" which they could not deprive him of, by reason of the former vote; and "that he should be committed to the prison of

" the Fleet." Which sentence was with all formality pronounced against him, and he committed to the Fleet accordingly: the which the commons was no more satisfied with than with the former; some of them looking that their favourite, the solicitor, should have the place of attorney; others, that the accused members should receive ample damages by way of reparation; without which they could not think themselves secure from the like attempts.

Having, by this extraordinary and exemplary proceeding, fortified their privileges against such attempts, and secured their persons from being accused, or proceeded against by law, they used no less severity against all those who presumed to question the justice or prudence of their actions, especially against those, who, following the method that had done so much hurt, drew the people to petition for that which they had no mind to grant; and in this prosecution they were not less severe and vehement, than against the highest treason could be imagined.

Upon the petition mentioned before, that was framed in London against their settling the militia, they committed one George Binion, a citizen of great reputation for wealth and wisdom, and [who] was indeed a very sober man. After he had lain some time in prison, the lords, according to law, bailed him; but the commons caused him the next day to be recommitted, and preferred an impeachment against him, for no other crime but " ad-" vising and contriving that petition." The gentleman defended himself, " that it was always " held, and so publicly declared this parliament,

" to be lawful, in a modest way, to petition for the " removal or prevention of any grievance: that he " observing very many petitions to be delivered, " and received, for the settling the militia in an- " other way than was then agreeable to the law, " or had been practised, and conceiving that the " same would prove very prejudicial to the city of " London, of which he was a member, he had " joined with many other citizens, of known ability " and integrity, in a petition against so great an " inconvenience; which he presumed was lawful " for him to do." How reasonable soever this defence was, the house of peers adjudged him " to be disfranchised, and incapable of any office " in the city; to be committed to the common " gaol of Colchester," (for his reputation was so great in London, that they would not trust him in a city prison,) and fined him three thousand pounds.

About the same time, at the general assizes in Kent, the justices of peace, and principal gentlemen of that county, prepared a petition to be presented to the two houses, with a desire, " that " the militia might not be otherwise exercised in " that county, than the known law permitted: and " that the Book of Common-Prayer, established by " law, might be observed." This petition was communicated by many to their friends, and copies thereof sent abroad, before the subscription was ready; whereupon the house of peers took notice of it, as tending to some commotion in Kent; and, in the debate, the earl of Bristol taking notice, " that he had seen a copy of it, and had some con- " ference about it with judge Mallet," who was

then judge of assize in Kent, and newly returned out of his circuit, both the earl and judge, for having but seen the petition, were presently committed to the Tower; and a declaration published, "that none should presume to deliver that, or the "like petition to either house." Notwithstanding which, some gentlemen of Kent, with a great number of the substantial inhabitants of that county, came to the city; which, upon the alarum, was put in arms; strong guards placed at London-bridge, where the petitioners were disarmed, and only some few suffered to pass with their petition to Westminster; the rest forced to return to their country. And, upon the delivery thereof to the house of commons, (though the same was very modest, and in a more dutiful dialect than most petitions delivered to them,) the bringers of the petition were sharply reprehended; two or three of them committed to several prisons; the principal gentlemen of the country, who had subscribed and advised it, sent for as delinquents; and charges, and articles of impeachment, drawn up against them; and a declaration published, "that "whosoever should henceforth advise or contrive "the like petitions, should be proceeded against, "as enemies to the commonwealth." So unlike and different were their tempers, and reception of those modest addresses, which were for duty and obedience to the laws established, and those which pressed and brought on alteration and innovation. But that injustice gave great life and encouragement to their own proselytes; and taught others to know that their being innocent would not be long easy or safe: and this kind of justice extended itself in

the same measure to their own members, who opposed their irregular determinations; who, besides the agony and vexation of having the most abstract reason, and confessed law, rejected, and overruled with contempt and noise, were liable to all the personal reproaches and discountenance, that the pride and petulancy of the other party could lay upon them; and were sometimes imprisoned and disgraced, for freely speaking their opinions and conscience in debate.

All sorts of men being thus terrified, the commons remembered, that a great magazine of the king's ammunition lay still at Hull; and though that town was in the custody of a confident of their own, yet they were not willing to venture so great a treasure so near the king, who continued at York, with a great resort of persons of honour and quality from all parts; and therefore they resolved, under pretence of supplying Ireland, to remove it speedily from thence; and to that purpose moved the lords, "to join with them in an "order to that purpose." The lords, who proceeded with less fury, and more formality, desired, "that it might be done with the king's consent." After a long debate, the one thinking they merited much by that civility, the other contented to gratify those in the ceremony, who, they knew, would in the end concur with them, a petition was agreed upon to be sent to his majesty; in which, that he might the sooner yield to them in this matter, they resolved to remember him of that, which, they thought, would reflect on him with the people, and to "move him to take off the "reprieve from the six priests," which is before

mentioned. And so they sent their petition to him, telling him, "that they found the stores of arms "and ammunition in the tower of London much "diminished; and that the necessity for supply of "his kingdom of Ireland (for which they had been "issued from thence) daily increased; and that the "occasion, for which the magazine was placed at "Hull, was now taken away; and considering it "would be kept at London with less charge, and "more safety, and transported thence with much "more convenience for the service of the kingdom "of Ireland; they therefore humbly prayed, that "his majesty would be graciously pleased to give "leave, that the said arms, cannon, and ammuni-"tion, now in the magazine of Hull, might be "removed to the Tower of London, according as "should be directed by both his houses of parlia-"ment. And whereas six priests, then in New-"gate, were condemned to die, and by his majesty "had been reprieved, they humbly prayed his ma-"jesty to be pleased, that the said reprieves might "be taken off, and the priests executed according "to law." To which petition his majesty immediately returned answer in these words:

"We rather expected, and have done so long, "that you should have given us an account, why a "garrison hath been placed in our town of Hull, "without our consent, and soldiers billeted there "against law, and express words of the Petition "of Right, than to be moved, for the avoiding of "a needless charge you have put upon yourselves, "to give our consent for the removal of our maga-"zine and munition, our own proper goods, upon "such general reasons as indeed give no satisfac-

" tion to our judgment: and since you have made " the business of Hull your argument, we would " gladly be informed, why our own inclination, on " the general rumour of the designs of papists in " the northern parts, was not thought sufficient " ground for us to put a person of honour, fortune, " and unblemished reputation, into a town and " fort of our own, where our own magazine lay: " and yet the same rumour be warrant enough for " you to commit the same town and fort, without " our consent, to the hands of sir John Hotham, " with a power unagreeable to the law of the land, " or the liberty of the subject.

" And yet of this, in point of right, or privilege, " for sure we are not without privilege too, we " have not all this while complained: and being " confident that the place, whatsoever discourse " there is of public or private instructions to the " contrary, shall be speedily given up, if we shall " require it, we shall be contented to dispose our " munition there, as we have done in other places, " for the public ease and benefit, as, upon particular " advice, we shall find convenient; though we " cannot think it fit, or consent, that the whole " magazine be removed together. But when you " shall agree upon such proportions, as shall be " held necessary for any particular service, we " shall sign such warrants as shall be agreeable to " wisdom and reason; and if any of them be " designed for Ulster, or Lemster, you know well " the conveyance will be more easy and convenient " from the place they are now in. Yet we must " tell you, that if the fears are so great from the " papists at home, or of foreign force, as is pre-

" tended, it seems strange that you make not pro-
" vision of arms and munition for defence of this
" kingdom, rather than seek to carry any more
" from hence, without some course taken for
" supply; especially, if you remember your en-
" gagement to our Scots subjects, for that pro-
" portion of arms which is contained in your
" treaty. We speak not this, as not thinking the
" sending of arms to Ireland very necessary, but
" only for the way of the provision. For you
" know what great quantities we have assigned out
" of our several stores, which, in due time, we
" hope, you will see replenished. For the charge
" of looking to the magazine at Hull, as it was
" undertaken voluntarily by you at first, and, to
" say no more, unnecessarily; so you may free our
" good people of that charge, and leave it to us to
" look to, who are the proper owner of it. And
" this, we hope, will give you full satisfaction in
" this point, and that ye do not, as you have done
" in the business of the militia, send this message
" out of compliment and ceremony, resolving to
" be your own carvers at last. For we must tell
" you, if any attempt shall be made or given in
" this matter, without our consent or approbation,
" we shall esteem it as an act of violence against
" us; and declare it to all the world, as the great-
" est violation of our right, and breach of our
" privilege.

" Concerning the six priests condemned, it is
" true, they were reprieved by our warrant, [we]
" being informed, that they were, by some restraint,
" disabled to take the benefit of our former pro-
" clamation: since that, we have issued out an-

" other, for the due execution of the laws against " papists; and have most solemnly promised, in " the word of a king, never to pardon any priest " without your consent, which shall be found guilty " by law; desiring to banish these, having here- " with sent warrant to that purpose, if, upon " second thoughts, you do not disapprove thereof. " But if you think the execution of these persons " so very necessary to the great and pious work of " reformation, we refer it wholly to you; declaring " hereby, that upon such your resolution signified " to the ministers of justice our warrant for their " reprieve is determined, and the law to have the " course. And now let us ask you, (for we are " willing to husband time, and to despatch as " much as may be under one message; God knows " the distractions of this kingdom want a present " remedy,) will there never be a time to offer to, " as well as to ask of us? We will propose no " more particulars to you, having no luck to please, " or to be understood by you; take your own time " for what concerns our particular: but be sure " you have an early, speedy care of the public; " that is, of the only rule that preserves the pub- " lic, the law of the land; preserve the dignity " and reverence due to that. It was well said in a " speech, made by a private person; it was Mr. " Pym's speech against the earl of Strafford, but " published by order of the house of commons " this parliament: the law is that which puts a " difference betwixt good and evil, betwixt just " and unjust. If you take away the law; all things " will fall into a confusion, every man will become " a law unto himself; which, in the depraved con-

" dition of human nature, must needs produce " many great enormities. Lust will become a law, " and envy will become a law; covetousness and " ambition will become laws; and what dictates, " what decisions, such laws will produce, may easily " be discerned. So said that gentleman, and much " more, very well, in defence of the law, and " against arbitrary power. It is worth looking " over, and considering: and if the most zealous " defence of [the] true protestant profession, and " the most resolved protection of the law, be the " most necessary duty of a prince, we cannot be- " lieve this miserable distance and misunderstand- " ing can be long continued between us; we hav- " ing often and earnestly declared them to be the " chiefest desires of our soul, and the end and rule " of all our actions. For Ireland, we have suffi- " ciently, and we hope satisfactorily, expressed to " all our good subjects our hearty sense of that " sad business, in our several messages in that " argument, but especially in our last of the eighth " of this month, concerning our resolution for that " service; for the speedy, honourable, and full per- " formance whereof, we conjure you to yield all " possible assistance and present advice."

This answer was received with the usual circumstances of trouble and discontent, the taxation of evil counsellors and malignant persons about the king: and that clause about the condemned priests exceedingly displeased them; for by the king's reference of the matter entirely to them, he had removed the scandal from himself, and laid it at their doors; and though they were well content, and desirous, that they should have been executed

by the king's warrant, for taking off his own reprieve, (whereby they should have made him retract an act of his own mercy, and undeniably within his own power; and thereby have lessened much of the devotion of that people to him, when they should have seen him quit his power of preserving them in the least degree,) yet, for many reasons, they were not willing to take that harsh part upon themselves; and so those condemned priests were no more prosecuted, and were much safer under that reference for their execution, than they could have been, at that time, by a pardon under the great seal of England. For the other part of the answer concerning the magazine, it made no pause with them; but, within few days after, they sent a warrant to their own governor, sir John Hotham, to deliver it; and to their own admiral, the earl of Warwick, to transport it to London; which was, notwithstanding the king's inhibition, done accordingly. But they had at that time another message from the king, which was referred to in the last clause of that answer, and came to their hands some few days before, that gave them some serious trouble and apprehension; the grounds and reasons of which were these:

The king finding that, notwithstanding all the professions and protestations he could make, the business of Ireland was still unreasonably objected to him, as if he were not cordial in the suppressing that rebellion, sent a message to both houses:

"That being grieved at the very soul for the "calamities of his good subjects of Ireland, and "being most tenderly sensible of the false and "scandalous reports dispersed amongst the people

" concerning the rebellion there; which not only " wounded his majesty in honour, but likewise " greatly retarded the reducing that unhappy king- " dom, and multiplied the distractions at home, " by weakening the mutual confidence between " him and his people: out of his pious zeal to the " honour of Almighty God, in establishing the " true protestant profession in that kingdom, and " his princely care for the good of all his do- " minions, he had firmly resolved to go with all " convenient speed into Ireland, to chastise those " wicked and detestable rebels, odious to God and " all good men; thereby so to settle the peace of " that kingdom, and the security of this, that the " very name of fears and jealousies might be no " more heard of amongst them.

" And he said, as he doubted not but his par- " liament would cheerfully give all possible assist- " ance to this good work, so he required them, " and all his loving subjects, to believe, that he " would, upon those considerations, as earnestly pur- " sue that design, not declining any hazard of his " person in performing that duty, which he owed " to the defence of God's true religion, and his " distressed subjects, as he undertook it for those " only ends; to the sincerity of which profession " he called God to witness, with this further as- " surance, that he would never consent, upon " whatsoever pretence, to a toleration of the " popish profession there, or the abolition of the " laws now in force against popish recusants in " that kingdom.

" His majesty further advertised them, that, to- " wards this work, he intended to raise forthwith,

" by his commission, in the counties near West " Chester, a guard for his own person, (when he " should come into Ireland,) consisting of two " thousand foot, and two hundred horse, which " should be armed at West Chester, from his " magazine at Hull; at which time, he said, all " the officers and soldiers should take the oaths of " supremacy and allegiance; the charge of raising " and paying whereof, he desired the parliament " to add to their former undertakings for that war; " which he would not only well accept, but, if " their pay should be found too great a burden to " his good subjects, he would be willing, by the " advice of his parliament, to sell, or pawn, any of " his parks, lands, or houses, towards the supplies " of the service of Ireland. With the addition of " these levies to the former of English, and Scots, " agreed upon in parliament, he said, he hoped so " to appear in that action, that, by the assistance of " Almighty God, that kingdom, in a short time, " might be wholly reduced, and restored to peace, " and some measure of happiness; whereby he " might cheerfully return, to be welcomed home " with the affections and blessings of all his good " English people.

" Towards this good work, he said, as he had " lately made despatches into Scotland, to quicken " the levies there for Ulster, so he heartily wished, " that his parliament would give all possible expe- " dition to those, which they had resolved for " Munster and Connaught; and hoped the en- " couragement, which the adventurers, of whose " interests he would be always very careful, would " hereby receive, would raise full sums of money

" for the doing thereof. He told them, that out " of his earnest desire to remove all occasions, " which did unhappily multiply misunderstandings " between him and his parliament, he had likewise " prepared a bill to be offered to them by his " attorney concerning the militia; whereby he " hoped the peace and safety of the kingdom " might be fully secured to the general satisfaction " of all men, without violation of his majesty's " just rights, or prejudice to the liberty of the " subject. If this should be thankfully received, " he said, he should be glad of it; if refused, he " must call God, and all the world, to judge on " whose part the default was; only he required, if " the bill should be approved of, that if any corpo- " ration should make their lawful rights appear, " they might be reserved to them. He said, before " he would part from England, he would take all " due care to intrust such persons with such au- " thority in his absence, as he should find to be " requisite for the peace and safety of the kingdom, " and the happy progress of the parliament."

They neither before nor after ever received any message from his majesty, that more discomposed them; and so much the more, because that which gave them most umbrage could not be publicly and safely avowed by them. For though, to those who had a due reverence to the king's person, and an impatient desire, that all misunderstandings might be composed, they urged, " the hazard and danger " to his majesty's person, in such an expedition, " and the increase of jealousies and distractions, " that would ensue in this kingdom by his ab- " sence;" and to others, as well as those who

from the barbarity, inhumanity, and unheard of cruelty, exercised by the rebels in Ireland upon the English protestants, (of which they every day received fresh and bleeding evidence,) had contracted a great animosity against the nation, and were persuaded that the work of extirpation was not so difficult as in truth it was; as to the adventurers, who had disbursed great sums of money, and had digested a full assurance of ample recompence, by confiscations and forfeitures; "that by this voyage "of the king a peace would be in a short time "concluded in that kingdom, to their great disad-"vantage and damage;" yet the true reasons, which surprised and startled them, were, that hereby the managing the war of Ireland would be taken out of their hands; and so, instead of having a nursery for soldiers of their own, which they might employ as they saw occasion; and a power of raising what money they pleased in this kingdom under that title, which they might dispose, as they found most fit for their affairs; the king would probably in a short time recover one entire kingdom to his obedience, by which he might be able to preserve the peace of the other two. However, working by the several impressions upon the several affections, they found it no difficult thing to persuade, almost an unanimous, aversion from approving the journey; they who usually opposed their advice not enduring to think of staying in England, where the power, at least for a time, would be in them, whose government, they knew, would be terrible, when his majesty should be in Ireland. And then they despatched a magisterial answer to the king, in which they told him:

"That the lords and commons in parliament had "duly considered the message, received from his "majesty, concerning his purpose of going into "Ireland in his own person to prosecute the war "there, with the bodies of his English subjects, "levied, transported, and maintained at their "charge; which he was pleased to propound to "them, not as a matter, wherein he desired the "advice of his parliament, but as already firmly "resolved on, and forthwith to be put in execu-"tion, by granting out commissions for the levy-"ing of two thousand foot, and two hundred horse, "for a guard for his person, when he should come "into that kingdom; wherein they said, they could "not but, with all reverence and humility to his "majesty, observe, that he had declined his great "council, the parliament, and varied from the usual "course of his royal predecessors; that a busi-"ness of so great importance concerning the peace "and safety of all his subjects, and wherein they "have a special interest, by his majesty's promise, "and by those great sums, which they had dis-"bursed, and for which they stood engaged, should "be concluded, and undertaken, without their ad-"vice; whereupon, they said, they held it their "duty to declare, that if, at that time, his majesty "should go into Ireland, he would very much en-"danger the safety of his royal person and king-"doms, and of all other states professing the pro-"testant religion in Christendom, and make way "to the execution of that cruel and bloody de-"sign of the papists, every where to root out and "destroy the reformed religion; as the Irish pa-"pists had, in a great part, effected in that king-

" dom; and, in all likelihood, would quickly be " attempted in other places, if the consideration " of the strength and union of the two nations of " England and Scotland did not much hinder and " discourage the execution of any such design. " And that they might manifest to his majesty the " danger and misery, which such a journey and " enterprise would produce, they presented to his " majesty the reasons of that their humble opinion " and advice:

1. " His royal person would be subject, not only " to the casualty of war, but to secret practices " and conspiracies; especially his majesty continu- " ing his profession to maintain the protestant re- " ligion in that kingdom, which the papists were " generally bound by their vow to extirpate.

2. " It would exceedingly encourage the rebels; " who did generally profess and declare, that his " majesty did favour and allow their proceedings, " and that this insurrection was undertaken by the " warrant of his commission; and it would make " good their expectation of great advantage, by his " majesty's presence at that time, of so much dis- " traction in this kingdom, whereby they might " hope the two houses of parliament would be dis- " abled to supply the war there, especially there " appearing less necessity of his majesty's journey " at that time, by reason of the manifold successes, " which God had given against them.

3. " It would much hinder and impair the means " whereby the war was to be supported, and in- " crease the charge of it, and in both these respects " make it more insupportable to the subject; and " this, they said, they could confidently affirm; be-

" cause many of the adventurers, who had already " subscribed, did, upon the knowledge of his ma- " jesty's intention, declare their resolution not to " pay in their money; and others, very willing to " have subscribed, do now profess the contrary.

4. " His majesty's absence must necessarily very " much interrupt the proceedings of parliament; " and deprive his subjects of the benefit of those " further acts of grace and justice, which they " should humbly expect from his majesty for the " establishing of a perfect union, and mutual con- " fidence between his majesty and his people, and " procuring and confirming the prosperity and " happiness of both.

5. " It would exceedingly increase the fears and " jealousies of his people; and render their doubts " more probable, of some force intended, by some " evil councils near his majesty, in opposition of " the parliament, and favour of the malignant party " of this kingdom.

6. " It would bereave his parliament of that ad- " vantage, whereby they were induced to undertake " that war, upon his majesty's promise, that it " should be managed by their advice; which could " not be done, if his majesty, contrary to their " counsels, should undertake to order and govern " it in his own person.

" Upon which, they said, they had resolved, by " the full and concurrent agreement of both houses, " that they could not, with discharge of their duty, " consent to any levies or raising of soldiers to be " made by his majesty, for that his intended expe- " dition into Ireland; or to the payment of any " army, or soldiers there, but such as should be

" employed and governed according to their advice " and direction: and that, if such levies should be " made by any commission of his majesty's, not " agreed to by both houses of parliament, they " should be forced to interpret the same to be " raised to the terror of his people, and disturb- " ance of the public peace; and did hold them- " selves bound, by the laws of the kingdom, to " apply the authority of parliament to suppress the " same.

" And, they said, they did further most humbly " declare, that if his majesty should by ill counsel " be persuaded to go, contrary to that advice of his " parliament, (which they hoped his majesty would " not,) they did not, in that case, hold themselves " bound to submit to any commissioners, which his " majesty should choose; but did resolve to pre- " serve and govern the kingdom, by the counsel " and advice of parliament, for his majesty and his " posterity, according to their allegiance, and the " law of the land: wherefore they did most humbly " pray, and advise his majesty, to desist from that " his intended passage into Ireland, and from all " preparation of men and arms tending thereunto; " and to leave the managing of that war to his " parliament, according to his promise made unto " them, and his commission granted under his great " seal of England, by advice of both houses; in " prosecution whereof, by God's blessing, they had " already made a prosperous entrance, by many " defeats of the rebels, whereby they were much " weakened and disheartened; and had no probable " means of subsistence, if the proceedings of the " two houses were not interrupted by that inter-

" position of his majesty's journey: but they hoped,
" upon good grounds, that, within a short time,
" without hazard of his person, and so much dan-
" gerous confusion in his kingdoms, which must
" needs ensue, if he should proceed in that resolu-
" tion, they should be enabled fully to vindicate his
" majesty's right, and authority in that kingdom;
" and punish those horrible, outrageous cruelties,
" which had been committed in the murdering and
" spoiling so many of his subjects; and to bring
" that realm to such a condition, as might be much
" to the advantage of his majesty and the crown,
" and the honour of his government, and content-
" ment of his people: for the better and more
" speedy effecting whereof, they did again renew
" their humble desires of his return to his parlia-
" ment; and that he would please to reject all
" counsels and apprehensions, which might any way
" derogate from that faithfulness and allegiance,
" which, in truth and sincerity, they had always
" borne and professed to his majesty, and should
" ever make good, to the uttermost, with their lives
" and fortunes."

This petition (the matter whereof finding a general concurrence, there was the least debate and contradiction upon the manner of expression) being sent to the king to York; and, in the mean time, all preparations being suspended for the necessary relief for Ireland, insomuch as with the votes (which were presently printed) against the king's journey, there was likewise an order printed to discourage the adventurers from bringing in their money; the which, though it had no approbation from either house, and seemed to be angrily interpreted by

them, and the printer was ordered to be found out and punished, yet did wholly stop that service; and by the no-inquiry, or punishment of that boldness, appeared to be done by design; his majesty speedily returned this answer:

"That he was so troubled, and astonished to find "that unexpected reception and misunderstanding "of his message concerning his Irish journey, that "(being so much disappointed of the approbation "and thanks he looked for to that declaration) he "had great cause to doubt, whether it were in his "power to say or do any thing, which would not "fall within the like interpretation: but he said, as "he had, in that message, called God to witness "the sincerity of the profession of his only ends for "the undertaking that journey; so he must appeal "to all his good subjects, and the whole world, "whether the reasons alleged against that journey "were of weight to satisfy his understanding; or "the counsel, presented to dissuade him from it, "were full of that duty, as was like to prevail over "his affections. For the resolving of so great a "business without the advice of his parliament, he "said, he must remember, how often, by his mes-"sages, he made the same offer, if they should "advise him thereunto; to which they never gave "him the least answer; but, in their late declara-"tion, told him, that they were not to be satisfied "with words: so that he had reason to conceive, "they rather avoided, out of regard to his person, "to give him counsel to run that hazard, than that "they disapproved the inclination. And, he asked "them, what greater comfort or security the pro-"testants of Christendom could receive, than by

" seeing a protestant king venture, and engage his " person for the defence of that religion, and the " suppression of popery? to which he solemnly " protested, in that message, never to grant a tole- " ration, upon what pretence soever, or an abolition " of any of the laws there in force against the pro- " fessors of it. And, he said, when he considered " the great calamities, and unheard of cruelties, his " poor protestant subjects in that kingdom had un- " dergone for the space of near, or full six months; " the growth and increase of the strength of those " barbarous rebels; and the evident probability of " foreign supplies, if they were not speedily sup- " pressed; the very slow succours hitherto sent " them from hence: that the officers of several " regiments, who had long time been allowed " entertainment for that service, had not raised " any supply or succour for that kingdom; that " many troops of horse had long lain near Chester " untransported; that the lord lieutenant of Ire- " land, on whom he relied principally for the con- " duct and managing of affairs there, was still in " this kingdom, notwithstanding his majesty's ear- " nestness expressed, that he should repair to his " command: and when he considered the many and " great scandals raised upon himself by report of " the rebels, and not sufficiently discountenanced " here, notwithstanding so many professions of his " majesty; and had seen a book, lately printed by " the order of the house of commons, entitled, A " Remonstrance of divers remarkable Passages " concerning the Church and Kingdom of Ireland, " wherein some examinations were set down, (how " improbable or impossible soever,) which might

" make an impression in the minds of many of his " weak subjects: and, lastly, when he had duly " weighed the dishonour which would perpetually " lie upon this kingdom, if full and speedy relief " were not despatched thither; his majesty could " not think of a better way to discharge his duty " to Almighty God, for the defence of the true " protestant religion, or to manifest his affection to " his three kingdoms, for their preservation, than " by engaging his person in that expedition, as " many of his royal progenitors had done, even in " foreign parts, upon causes of less importance and " piety, with great honour to themselves, and " advantage to this kingdom. And therefore he " expected at least thanks for such his inclination.

" For the danger to his person, he said, he con- " ceived it necessary, and worthy of a king, to ad- " venture his life to preserve his kingdom; neither " could it be imagined, that he would sit still, and " suffer his kingdoms to be lost, and his good pro- " testant subjects to be massacred, without exposing " his own person to the utmost hazard for their " relief and preservation; his life, when it was most " pleasant, being nothing so precious to him, as it " was, and should be, to govern and preserve his " people with honour and justice.

" For any encouragement to the rebels, because " of the reports they raised, he said, he could not " conceive, that the rebels were capable of a greater " terror, than by the presence of their lawful king, " in the head of an army, to chastise them. Besides, " it would be an unspeakable advantage to them, if " any report of theirs could hinder him from doing " any thing, which were fit for him to do, if such

" report were not raised: that would quickly teach
" them, in this jealous age, to prevent, by such
" reports, any other persons coming against them,
" whom they had no mind should be employed.

" He told them, he marvelled, that the adven-
" turers, whose advantage was a principal motive
" (next the reasons before mentioned) to him,
" should so much mistake his purpose; whose
" interest he conceived must be much improved by
" the expedition he hoped, by God's blessing, to
" use in that service; that being the most pro-
" bable way for the speedy conquest of the rebels,
" their lands were sufficiently secured by act of
" parliament.

" He told them, he thought himself not kindly
" used, that the addition of so few men to their
" levies (for a guard to his person in Ireland)
" should be thought fit for their refusal; and much
" more, that having used so many cautions in that
" message, both in the smallness of the number;
" in his having raised none, until their answer; in
" their being to be raised only near the place of
" shipping; in their being there to be armed, and
" that not till they were ready to be shipped; in
" the provision, by the oaths, that none of them
" should be papists, (all which were sufficient to
" destroy all grounds of jealousy of any force in-
" tended by them in opposition to the parliament,
" or favour to any malignant party,) any suspicion
" should, notwithstanding, be grounded upon it.

" Neither, he said, could it be understood, that,
" when he recommended the managing of that war
" to them, that he intended to exclude himself, or
" not to be concerned in their counsels, that if he

" found any expedient, (which, in his conscience " and understanding, he thought necessary for that " great work,) he might not put it in practice. He " told them, he looked upon them as his great " council, whose advice he always had, and would, " with great regard and deliberation, weigh and " consider: but he looked upon himself as neither " deprived of his understanding, or divested of any " right he had, if there were no parliament sitting. " He said, he called them together by his own writ " and authority (without which they could not have " met) to give him faithful counsel about his great " affairs; but he resigned not up his own interest " and freedom; he never subjected himself to their " absolute determination; he had always weighed " their counsels, as proceeding from a council in- " trusted by him; and when he had dissented from " them, he had returned them the reasons, which " had prevailed with his conscience and under- " standing, with that candour, which a prince " should use towards his subjects; and that affec- " tion, which a father could express to his children. " What application had been used to rectify his " understanding by reasons, or what motives had " been given to persuade his affections, he would " leave all the world to judge. And then, he said, " he must tell them, howsoever a major part might " bind them in matter of opinion, he held himself " (and he was sure the law and constitution of the " kingdom had always held the same) as free to " dissent, till his reason [was] convinced for the " general good, as if they had delivered no opinion.

" For his journey itself, he told them the circum-

" stances of their petition were such, as he knew
" not well what answer to return, or whether he
" were best to give any; that part which pretended
" to carry reason with it did no way satisfy him;
" the other, which was rather reprehension and
" menace, than advice, could not stagger him. His
" answer therefore was, that he should be very glad
" to find the work of Ireland so easy as they seemed
" to think it; which did not so appear by any thing
" known to him, when he sent his message: and
" though he would never refuse, or be unwilling, to
" venture his person for the good and safety of his
" people, he was not so weary of his life, as to
" hazard it impertinently; and therefore, since they
" seemed to have received advertisements of some
" late and great successes in that kingdom, he
" would stay some time to see the event of those,
" and not pursue his resolution till he had given
" them a second notice: but, if he found the miser-
" able condition of his poor subjects of that king-
" dom were not speedily relieved, he would, with
" God's assistance, visit them with succours as his
" particular credit and interest could supply him
" with, if they refused to join with him. And he
" doubted not but the levies he should make (in
" which he would observe punctually the former,
" and all other cautions, as might best prevent all
" fears and jealousies; and to use no power but
" what was legal) would be so much to the satis-
" faction of his subjects, as no person would dare
" presume to resist his commands; and if they
" should, at their peril [be it]. In the mean time,
" he hoped his forwardness, so remarkable to that

" service, should be notorious to all the world; and " that all scandals, laid on him in that business, " should be clearly wiped away.

" He told them, he had been so careful that his " journey into Ireland should not interrupt the pro- " ceedings of parliament, nor deprive his subjects " of any acts of justice, or further acts of grace, " for the real benefit of his people, that he had " made a free offer of leaving such power behind, " as should not only be necessary for the peace and " safety of the kingdom, but fully provide for the " happy progress of the parliament: and therefore " he could not but wonder, since such power had " been always left here, by commission, for the " government of this kingdom, when his progeni- " tors had been out of the same, during the sitting " of parliaments; and since themselves desired that " such a power might be left here by his majesty, " at his last going into Scotland; what law of the " land they had now found to dispense with them " from submitting to such authority, legally de- " rived from him, in his absence; and to enable " them to govern the kingdom by their own mere " authority.

" For his return to London, he said, he had " given them so full answers in his late declaration, " and answers that he knew not what to add, if " they would not provide for his security with " them, nor agree to remove to another place, " where there might not be the same danger to his " majesty. He told them, he expected, that (since " he had been so particular in the causes and " grounds of his fears) they should have sent him " word, that they had published such declarations

" against future tumults and unlawful assemblies, " and taken such courses for the suppressing sedi- " tious pamphlets and sermons, that his fears of " that kind might be laid aside, before they should " press his return.

" To conclude, he told them, he could wish, that " they would, with the same strictness and severity, " weigh and examine their messages and expres- " sions to him, as they did those they received from " him. For he was very confident, that if they " examined his rights and privileges, by what his " predecessors had enjoyed; and their own ad- " dresses, by the usual courses observed by their " ancestors; they would find many expressions in " that petition, warranted only by their own au- " thority; which indeed he forbore to take notice " of, or to give answer to, lest he should be tempted, " in a just indignation, to express a greater passion, " than he was yet willing to put on. God in his " good time, he hoped, would so inform the hearts " of all his subjects, that he should recover from " the mischief and danger of that distemper; on " whose good pleasure, he said, he would wait with " all patience and humility."

And from this time the purpose was never resumed of his majesty's personal expedition into Ireland, and so they were freed from that apprehension. The truth is, that counsel for his majesty's journey into Ireland was very suddenly taken, and communicated to very few, without consideration of the objections, that would naturally arise against it; and was rather resolved as a probable stratagem, to compose the two houses to a better temper and sobriety, upon the apprehension of the king's ab-

sence from them, and the inconveniences that might thence ensue, than sufficiently considered and digested for execution. For none were more violent against it than they who served the king most faithfully in the houses; who, in the king's absence, and after such a grant of the militia, as was then offered, looked upon themselves as sacrificed to the pride and fury of those, whose inclinations and temper had begot the confusions they complained of. But if it had been so duly weighed and consulted, and men so disposed, that it might have been executed, and the king [had] taken a fit council and retinue about him, it would at that time have been no hard matter speedily to have reduced Ireland; and, by the reputation and authority of that, the other two kingdoms might have been contained within their proper bounds. But, as it fell out, the overture proved disadvantageous to the king, and gave the other party new cause of triumph, that they had plainly threatened him out of what he pretended to have firmly resolved to do; which disadvantage was improved by the other proposition, that attended it, concerning the militia. For the bill, sent by the king upon that argument, brought the business again into debate; and, though nothing was concluded upon it, the king was a loser by the proposition, though not so much as he feared he should have been, when he saw his journey into Ireland desperate; upon the supposition of which, he had only made that tender.

The bill sent by the king, and preferred to the house of peers, by the attorney general, granted the militia, for one year, to the persons first nominated by the houses in their ordinance to his ma-

jesty; and made those persons, in the execution of that trust, subject to the authority of his majesty and the two houses jointly, whilst his majesty was within the kingdom; and, in his absence, of the two houses only. What alterations and amendments they made in it before they returned it again for the royal assent, will best appear by the king's answer, which he sent to them at the time of his refusal to pass it; which was,

"That he had, with great deliberation and patience, weighed and considered (as it concerned him much to weigh the consequences of every law before he passed it) their bill lately sent to him for the settling the militia; and though it had not been usual to give any reason for the refusal to pass any bill, it being absolutely in his power to pass, or not pass, any act sent to him, if he conceived it prejudicial to himself, or inconvenient to his subjects, for whom he was trusted, and must one day give an account; yet, in that business of the militia, which, being misunderstood amongst his good subjects, had been used as an argument, as if he were not vigilant enough for the public safety, and lest he should be thought less constant in his resolutions, and that bill to be the same he had sent to them, he thought fit to give them, and all the world, particular satisfaction, why he could not, ought not, must not pass that bill, being the first public bill he had refused this parliament: and therefore, he told them, he must complain, that having expressed himself so clearly and particularly to them in that point, they should press any thing upon him, which they could not but foresee that

" he must refuse; except he departed from those " resolutions, grounded upon so much reason, he " had so earnestly before acquainted them with, " and against which they had not given one argu- " ment to satisfy his judgment.

" He told them, he was pleased they had declined " the unwarrantable course of their ordinance, (to " the which, he was confident, his good subjects " would never have yielded their consent,) and " chosen that only right way of imposing upon the " people, which he would have allowed but for the " reasons following:

" He said, he had refused to consent to their " ordinance, as for other things, so for that the " power was put into the persons nominated therein " by direction of both houses of parliament, ex- " cluding his majesty from any power in the dis- " position or execution of it together with them: " he had then advised them, for many reasons, " that a bill should be prepared; and after, in his " answer of the 26th of March to the petition of " both houses, he had told them, if such a bill " should be prepared with that due regard to his " majesty, and care of his people, in the limitation " of the power, and other circumstances, he should " recede from nothing he formerly expressed.

" What passed (enough to have discouraged him " from being further solicitous in that argument) " after his full and gracious answers, he was con- " tent to forget. When he resolved [on] his " journey into Ireland, so that, by reason of his " absence, there might be no want of settling that " power; besides complying with their fears, he " sent, together with a message of that his purpose,

" a bill for the settling the power for a year;
" hoping in that time to return to them, and being
" sure that, in much less time, they might do the
" business, for which at first they seemed to desire
" this; which was, that they might securely con-
" sider his message of the 20th of January last.
" By that bill, which he sent, he consented to those
" names they proposed in their ordinance, and in
" the limitation of the power; provided, that him-
" self should not be able to execute any thing but
" by their advice; and, when he should be out of
" the kingdom, the sole execution to be in them;
" with many other things, of so arbitrary and un-
" circumscribed a power, that he should not have
" consented to, but with reference to the absence
" of his own person out of the kingdom; and
" thought it the more sufferable, in respect the
" time was but for a year. Whether that bill, they
" had sent to him to pass, were the same, the
" world would judge.

" He said, they had, by that bill tendered to his
" majesty, without taking notice of him, put the
" power of the whole kingdom, the life and liber-
" ties of the subjects of all degrees and qualities,
" into the hands of particular men, for two years.
" He asked them, if they could imagine he would
" trust such an absolute power in the hands of
" particular persons, which he had refused to com-
" mit to both houses of parliament? Nay, if the
" power itself were not too absolute, too unlimited,
" to be committed into any private hands? Whe-
" ther sir John Hotham's high insolence shewed
" him not, what he might expect from an ex-
" orbitant legal power, when he, by a power not

" warranted by law, durst venture upon a treason-
" able disobedience? But his majesty would will-
" ingly know, and indeed such an account in ordi-
" nary civility, he said, he might have expected,
" why he was, by that act, absolutely excluded
" from any power, or authority, in the execution
" of the militia. He said, sure their fears and
" jealousies were not of such a nature, as were
" capable of no other remedy, than by leaving him
" no power in a point of the greatest importance;
" in which God, and the law, had trusted him
" solely, and which he had been contented to share
" with them by his own bill, by putting it, and a
" greater, into the hands of particular subjects.
" He asked them, what all Christian princes would
" think of him after he had passed such a bill?
" How they would value his sovereignty? And
" yet, he said, sure his reputation with foreign
" princes was some ground of their security.
" Nay, he was confident, by that time they had
" throughly considered the possible consequence
" of that bill, upon themselves, and the rest of his
" good subjects, they would all give him thanks
" for not consenting to it; finding their condition,
" if it should have passed, would not have been so
" pleasing to them. He told them, he hoped that
" animadversion would be no breach of their pri-
" vileges. In that throng of business and dis-
" temper of affections, it was possible, second
" thoughts might present somewhat to their con-
" siderations, which escaped them before.

" He remembered them, that he had passed a
" bill this parliament, at their entreaty, concerning
" the captives of Algiers, and waved many objec-

" tions of his own to the contrary, upon informa-
" tion that the business had been many months
" considered by them; whether it proved suitable
" to their intentions, or whether they had not, by
" some private orders, suspended that act of par-
" liament upon view of the mistakes, themselves
" best knew; as likewise, what other alterations
" they had made upon other bills, passed this
" session. He told them, he could not pass over
" the putting their names out of that bill, whom
" before they had recommended to him in their
" ordinance, not thinking fit, it seemed to trust
" those who would obey no guide but the law of
" the land, (he imagined they would not wish he
" should in his estimation of others follow that
" their rule,) and the leaving out, by special pro-
" vision, the present lord mayor of London, as a
" person in their disfavour; whereas, he said, he
" must tell them, his demeanour had been such,
" that the city, and the whole kingdom, was be-
" holding to him for his example.

" To conclude, he said, he did not find himself
" possessed of such an excess of power, that it
" was fit to transfer, or consent it should be in
" other persons, as was directed by that bill; and
" therefore he should rely upon that royal right
" and jurisdiction, which God and the law had
" given him, for the suppressing of rebellion, and
" resisting foreign invasion; which had preserved
" the kingdom in the time of all his ancestors,
" and which he doubted not but he should be able
" to execute. And, not more for his own honour
" and right, than for the liberty and safety of
" his people, he could not consent to pass that bill."

Though no sober man could deny the reasonableness of that answer, and that there was indeed so great a difference between the bill sent by his majesty, and that presented to him from the two houses, that it could not soberly be imagined he would consent to it; yet, it had been better for his majesty, that that overture had never been made; it giving new life, spirit, and hopes to them; and they making the people believe (who understood not the difference, and knew not that the king's pleasure, signified by both houses of parliament, was the pleasure of both houses without the king) that his majesty now refused to consent to what himself had offered and proposed; whilst his own party (for so those began now to be called, who preserved their duty and allegiance entire) was as much troubled to find so sovereign a power of the crown offered to be parted with to the two houses, as was tendered to them by the king's own bill; and that it was possible for his majesty to recede from his firmest resolves, even in a point that would not naturally admit of the least division or diminution.

The king, being well pleased that he had gone through one of his resolutions, and not much troubled at the anger and trouble it had produced, and finding his court full of persons of quality of the country, who made all expressions of affection and duty, which they thought would be most acceptable to him, he resolved to undertake another enterprise, which was of more importance, and which in truth was the sole motive of his journey into those parts. The great magazine of arms and ammunition, which was left upon the disbanding

the army, remained still at Hull, and was a nobler proportion than remained in the Tower of London, or all other his majesty's stores; and there had been formerly a purpose to have secured the same by the earl of Newcastle's presence there, which had been disappointed, as hath been before mentioned, and sir John Hotham sent thither to look to it; who was now there only with one of the companies of the trained bands: and so the king resolved that he would himself make a journey thither, with his own usual train; and being there, that he would stay there, till he had secured the place to him. This was his purpose; which he concealed to that degree, that very few about him knew any thing of it.

As soon as it was known that his majesty meant to reside in York, it was easily suspected, that he had an eye upon the magazine; and therefore they made an order in both houses, "That the maga-" zine should be removed from Hull to the Tower;" and ships were making ready for the transportation; so that his majesty could no longer defer the execution of what he designed. And, being persuaded, by some who believed themselves, that, if he went thither, it would neither be in sir John Hotham's will, or his power, to keep him out of that town; and that, being possessed of so considerable a port, and of the magazine there, (which the houses had ordered to be speedily sent to London,) he should find a better temper towards a modest and dutiful treaty; his majesty took the opportunity of a petition presented to him by the gentlemen of Yorkshire, (who in truth were much troubled at the order for removing the magazine

from Hull; and were ready to appear in any thing for his service,) by which "they desired him to "cast his eyes and thoughts upon the safety of his "own person, and his princely issue, and that "whole county; a great means whereof, they said, "did consist in the arms and ammunition at Hull, "placed there by his princely care and charge; "and since, upon general apprehensions of dangers "from foreign parts, thought fit to be continued: "and they did very earnestly beseech him, that he "would take such course, that it might still remain "there, for the better securing those, and the rest "of the northern parts." Hereupon he resolved to go thither himself; and, the night before, he sent his son the duke of York, who was lately arrived from Richmond, accompanied with the prince elector, thither, with some other persons of honour; who knew no more, than that it was a journey given to the pleasure and curiosity of the duke. Sir John Hotham received them with that duty and civility that became him. The next morning early, the king took horse from York; and, attended with two or three hundred of his servants, and gentlemen of the country, rode thither; and, when he came within a mile of the town, sent a gentleman to sir John Hotham, "to "let him know that the king would that day dine "with him;" with which he was strangely surprised, or seemed to be so.

It was then reported, and was afterwards averred by himself to some friends, that he had received the night before advertisement, from a person very near to, and very much trusted by his majesty, of the king's purpose of coming

thither, and that there was a resolution of hanging him, or cutting his throat as soon as he was in the town.

The man was of a fearful nature, and perplexed understanding, and could better resolve upon deliberation than on a sudden; and many were of opinion, that if he had been prepared dexterously beforehand, and in confidence, he would have conformed to the king's pleasure; for he was master of a noble fortune in land, and rich in money; of a very ancient family, and well allied; his affections to the government very good; and no man less desired to see the nation involved in a civil war, than he: and, when he accepted this employment from the parliament, he never imagined it would engage him in rebellion; but believed, that the king would find it necessary to comply with the advice of his two houses; and that the preserving that magazine from being possessed by him, would likewise prevent any possible rupture into arms. He was now in great confusion; and calling some of the chief magistrates, and other officers, together to consult, they persuaded him, not to suffer the king to enter into the town. And his majesty coming within an hour after his messenger, found the gates shut, and the bridges drawn, and the walls manned; all things being in a readiness for the reception of an enemy. Sir John Hotham himself from the walls, with several professions of duty, and many expressions of fear, telling his majesty, "that he durst not open the "gates, being trusted by the parliament;" the king told him, "that he believed he had no order "from the parliament to shut the gates against

" him, or to keep him out of the town." He replied, " that his train was so great, that if it were " admitted, he should not be able to give a good " account of the town." Whereupon the king offered " to enter with twenty horse only, and " that the rest should stay without." The which the other refusing, the king desired him " to come " to him, that he might confer with him, upon his " princely word of safety, and liberty to return." And when he excused himself likewise from that, his majesty told him, " that as this act of his was " unparalleled, so it would produce some notable " effect; that it was not possible for him to sit " down by such an indignity, but that he would im- " mediately proclaim him traitor, and proceed against " him as such; that this disobedience of his would " probably bring many miseries upon the kingdom, " and much loss of blood; all which might be " prevented, if he performed the duty of a subject; " and therefore advised him to think sadly of it, " and to prevent the necessary growth of so many " calamities, which must lie all upon his con- " science." The gentleman, with much distraction in his looks, talked confusedly of " the " trust he had from the parliament;" then fell on his knees, and wished, " that God would bring " confusion upon him, and his, if he were not a " loyal and faithful subject to his majesty;" but, in conclusion, plainly denied to suffer his majesty to come into the town. Whereupon, the king caused him immediately to be proclaimed a traitor; which the other received with some expressions of undutifulness and contempt. And so the king, after the duke of York, and prince elector, with

their retinue, were come out of the town, where they were kept some hours, was forced to retire that night to Beverly, four miles from that place; and so the next day returned to York, full of trouble and indignation for the affront he had received; which he foresaw would produce a world of mischief.

The king sent an express to the two houses, with a message, declaring what had passed; and, "that sir John Hotham had justified his treason "and disloyalty, by pretence of an order and trust "from them; which as he could not produce, so, "his majesty was confident, they would not own; "but would be highly sensible of the scandal "he had laid upon them, as well as of his dis-"loyalty to his majesty. And therefore he de-"manded justice of them against him, according "to law." The houses had heard before of the king's going out of York thither, and were in terrible apprehension that he had possessed himself of the town; and that sir John Hotham, (for they were not confident of him, as of a man of their own faith,) by promises or menaces, had given up the place to him; and, with this apprehension, they were exceedingly dejected: but when they heard the truth, and found that Hull was still in their hands, they were equally exalted, magnifying their trusty governor's faith, and fidelity against the king. In the mean time, the gentlemen of the north expressed a marvellous sense and passion on his majesty's behalf; and offered to raise the force of the county to take the town by force. But the king chose, for many reasons, to send again to the houses another message, in which he told them,

"That he was so much concerned in the un-
" dutiful affront (an indignity all his good subjects
" must disdain in his behalf) he had received from
" sir John Hotham at Hull, that he was impatient
" till he received justice from them; and was
" compelled to call again for an answer, being
" confident, however they had been so careful,
" though without his consent, to put a garrison
" into that his town, to secure it and his magazine
" against any attempt of the papists, that they
" never intended to dispose and maintain it against
" him, their sovereign. Therefore he required them
" forthwith (for the business would admit no
" delay) that they took some speedy course, that
" his said town and magazine might be immediately
" delivered up unto him; and that such severe
" exemplary proceedings, should be against those
" persons, who had offered that insupportable
" affront and injury to him, as by the law was
" provided; and, till that should be done, he would
" intend no business whatsoever, other than the
" business of Ireland. For, he said, if he were
" brought into a condition so much worse than any
" of his subjects, that, whilst they all enjoyed their
" privileges, and might not have their possessions
" disturbed, or their titles questioned, he only
" might be spoiled, thrown out of his towns, and
" his goods taken from him, it was time to examine
" how he had lost those privileges; and to try all
" possible ways, by the help of God, the law of
" the land, and the affection of his good subjects,
" to recover them, and to vindicate himself from
" those injuries; and, if he should miscarry there-
" in, he should be the first prince of this kingdom,

" that had done so, having no other end but to de-
" fend the true protestant religion, the law of the
" land, and the liberty of the subject; and he de-
" sired God so to deal with him, as he continued
" in those resolutions."

Instead of any answer to his majesty upon these two messages, or sadly considering how this breach might be made up, they immediately publish (together with a declaration of their former jealousies of the papists; of the malignant party; of the lord Digby's letter intercepted; of the earl of Newcastle's being sent thither, upon which they had first sent down a governor, and put a garrison into Hull) several votes and resolutions, by which they declared,

" That sir John Hotham had done nothing but
" in obedience to the command of both houses of
" parliament, and that the declaring of him a
" traitor, being a member of the house of com-
" mons, was a high breach of the privilege of par-
" liament, and, being without due process of law,
" was against the liberty of the subject, and against
" the law of the land."

And hearing at the same time, that a letter, coming from Hull to them the night after the king's being there, had been intercepted by some of his majesty's servants, they declared, " that all
" such intercepting of any letters sent to them,
" was a high breach of the privilege of parliament,
" which by the laws of the kingdom, and the pro-
" testation, they were bound to defend with their
" lives, and their fortunes, and to bring the vio-
" lator thereof to condign punishment." Then they ordered, that the sheriffs and justices of the peace

of the counties of York and Lincoln, and all others his majesty's officers, should suppress all forces, that should be raised or gathered together in those counties, either to force the town of Hull, or stop the passages to and from the same, or in any other way to disturb the peace of the kingdom. All which votes, orders, and declarations, being printed, and diligently dispersed throughout the kingdom before any address made to his majesty in answer of his messages, and coming to his view, the king published an answer to those votes and declarations, in which he said:

"Since his gracious messages to both houses of "parliament, demanding justice for the high and "unheard of affront offered unto him, at the gates "of Hull, by sir John Hotham, was not thought "worthy of an answer; but that, instead thereof, "they had thought fit, by their printed votes, to "own and avow that unparalleled act to be done "in obedience to the command of both houses of "parliament, (though at that time he could pro-"duce no such command,) and, with other resolu-"tions against his proceedings there, to publish a "declaration concerning that business, as an appeal "to the people, and as if their intercourse with his "majesty, and for his satisfaction, were now to no "more purpose; though he knew that course of "theirs to be very unagreeable to the modesty and "duty of former times, and unwarrantable by any "precedents, but what themselves had made; yet, "he was not unwilling to join issue with them in "that way, and to let all the world know, how "necessary, just, and lawful all his proceedings "had been in that point, and that the defence of

" those proceedings was the defence of the law of " the land, of the liberty, and property of the sub- " ject; and that by the same rule of justice, which " was now offered to him, all the private interest " and title of all his good subjects to all their lands " and goods was confounded and destroyed. He " remembered them, that Mr. Pym had said in his " speech against the earl of Strafford, (which was " published by order of the commons' house,) the " law is the safeguard, the custody of all private " interest; your honours, your lives, your liberties, " and estates are all in the keeping of the law; " without this every man hath a like right to any " thing. And he said, he would fain be answered " what title any subject of his kingdom had to his " house or land, that he had not to his town of " Hull? or what right any subject had to his " money, plate, or jewels, that his majesty had not " to his magazine or munition there? If he had " ever such a title, he said he would know when " he lost it? And if that magazine and munition, " bought with his own money, were ever his, when " and how that property went out of him? He " very well knew the great and unlimited power of " a parliament; but he knew as well, that it was " only in that sense, as he was a part of that par- " liament; without him, and against his consent, " the votes of either or both houses together must " not, could not, should not (if he could help it, " for his subjects' sake, as well as his own) forbid " any thing that was enjoined by the law, or en- " join any thing that was forbidden by the law. " But in any such alteration, which might be for " the peace and happiness of the kingdom, he had

" not, should not refuse to consent. And he " doubted not, but that all his good subjects would " easily discern, in what a miserable insecurity and " confusion they must necessarily and inevitably be, " if descents might be altered; purchases avoided; " assurances and conveyances cancelled; the sove- " reign legal authority despised, and resisted by " votes, or orders of either or both houses. And " this, he said, he was sure, was his case at Hull; " and as it was his this day, by the same rule, it " might be theirs to-morrow.

" Against any desperate design of the papists, of " which they discoursed so much, he had suffi- " ciently expressed his zeal and intentions; and " should be as forward to adventure his own life " and fortune, to oppose any such designs, as the " meanest subject in his kingdom.

" For the malignant party, he said, as the law " had not, to [his] knowledge, defined their con- " dition, so neither house had presented them to " his majesty, under such a notion, as he might " well understand, whom they intended; and he " should therefore only inquire after and avoid the " malignant party, under the character of persons " disaffected to the peace and government of the " kingdom, and such who, neglecting and despis- " ing the law of the land, had given themselves " other rules to walk by, and so dispensed with " their obedience to authority; of those persons, as " destructive to the commonwealth, he should take " all possible caution.

" Why any letters intercepted from the lord " Digby, wherein he mentioned a retreat to a place " of safety, should hinder him from visiting his own

" fort, and how he had opposed any ways of ac-
" commodation with his parliament, and what ways
" and overtures had been offered in any way, or
" like any desire of such accommodation; or whe-
" ther his message of the twentieth of January
" last, so often in vain pressed by him, had not
" sufficiently expressed his earnest desire of it, he
" said, all the world should judge; neither was it
" in the power of any persons to incline him to
" take arms against his parliament and his good
" subjects, and miserably to embroil the kingdom
" in civil wars. He had given sufficient evidence
" to the world how much his affections abhorred,
" and how much his heart did bleed at, the appre-
" hension of a civil war. And, he said, God and
" the world must judge, if his care and industry
" were [not], only to defend and protect the
" liberty of the subject, the law of the kingdom,
" his own just rights, (part of that law,) and his
" honour, much more precious than his life: and
" if, in opposition to these, any civil war should
" arise, upon whose account the blood, and de-
" struction that must follow, must be cast: God,
" and his own conscience, told him, that he was
" clear.

" For captain Leg's being sent heretofore to
" Hull, or for the earl of Newcastle's being sent
" thither by his warrant and authority, he said, he
" had asked a question long ago, in his answer to
" both houses concerning the magazine at Hull,
" which, he had cause to think, was not easy to be
" answered; why the general rumour of the de-
" sign of papists, in the northern parts, should not
" be thought sufficient ground for his majesty to

" put in such a person of honour, fortune, and un-
" blemished reputation, as the earl of Newcastle was
" known to be, into a town and fort of his own,
" where his own magazine lay; and yet the same
" rumour be warrant enough to commit the same
" town and fort, without his consent, to the hands
" of sir John Hotham, with such a power as was now
" too well known, and understood? How his re-
" fusal to have that magazine removed, upon the
" petition of both houses, could give any advan-
" tage against him, to have it taken from him, and
" whether it was a refusal, all men would easily
" understand, who read his answer to that peti-
" tion; to which it had not been yet thought fit to
" make any reply.

" For the condition of those persons, who pre-
" sented the petition to him at York (whom that
" declaration called, some few ill-affected persons
" about the city of York) to continue the magazine
" at Hull; he said, he made no doubt, but that
" petition would appear to be attested, both in
" number and weight, by persons of honour and
" integrity, and much more conversant with the
" affections of the whole country, than most of
" those petitions, which had been received with so
" much consent and approbation. And for their
" presumption of interposing their advice, his ma-
" jesty the more wondered at that exception, when
" such encouragement had been given, and thanks
" declared to multitudes of mean, unknown people,
" apprentices, and porters, who had accompanied
" petitions of very strange natures.

" For the manner of his going to Hull, he said,
" he had clearly set forth the same, in his message

" to both houses of that business; and for any in-
" telligence given to sir John Hotham of an inten-
" tion to deprive him of his life, as he knew there
" was no such intention in him, having given him
" all possible assurance of the same, at his being
" there, so he was confident, no such intelligence
" was given, or if it were, it was by some villain,
" who had nothing but malice or design to fright
" him from his due obedience, to warrant him;
" and sir John Hotham had all the reason to as-
" sure himself, that his life would be in much more
" danger by refusing to admit his king into his
" own town and fort, than by yielding him that
" obedience, which he owed by his oaths of alle-
" giance and supremacy, and the protestation,
" which he knew was due and warrantable, by the
" laws of the land. For the number of his at-
" tendants, though that could be no warrant for
" such a disobedience in a subject, he said, it was
" well known (as his majesty had expressed in his
" message to both houses, to which credit ought
" to have been given) that he offered to go into
" the town with twenty horse only, his whole train
" being unarmed; and whosoever thought that too
" great an attendance for his majesty and his two
" sons, had sure an intention to bring him to a
" meaner retinue, than they would yet avow.

" Here then, he said, was his case, of which all
" the world should judge: his majesty endeavoured
" to visit a town and fort of his own, wherein his
" own magazine lay: a subject, in defiance of him,
" shuts the gates against him; with armed men
" resists, denies, and opposes his entrance; tells
" him, in plain terms, he should not come in. He

" said, he did not pretend to understand much " law, yet, in the point of treason, he had had " much learning taught him this parliament; and " if the sense of the statute of the 25th year of " Edward III. chap. 2. were not very differing " from the letter, sir John Hotham's act was no " less than plain high treason: and he had been " contemptibly stupid, if he had, after all those " circumstances of grace and favour then shewed " to him, made any scruple to proclaim him traitor. " And whether he were so, or no, if he would ren- " der himself, his majesty would require no other " trial, than that which the law had appointed to " every subject, and which he was confident he " had not, in the least degree, violated in those " proceedings; no more than he had done the " privilege of parliament, by endeavouring, in a " just way, to challenge his own unquestionable " privileges. For that, in such case, the declaring " him traitor, being a member of the house of " commons, without process of law, should be a " breach of privilege of parliament, (of which he " was sure none extended to treason, felony, or " breach of peace,) against the liberty of the sub- " ject, or against the law of the land, he must " have other reasons than bare votes. He said, " he would know if sir John Hotham had, with " the forces by which he kept him out of his town " of Hull, pursued him to the gates of York, " which he might as legally have done, whether " his majesty must have staid from declaring him " traitor till process of law might have issued " against him? Would fears and jealousies dis- " pense with necessary and real forms? And

" must his majesty, when actual war is levied " upon him, observe forms which the law itself " doth not enjoin? The case, he said, was truly " stated, let all the world judge (unless the mere " sitting of a parliament did suspend all laws, and " his majesty was the only person in England " against whom treason could not be committed) " where the fault was; and whatsoever course he " should be driven to for the vindication of that " his privilege, and for the recovery and mainte- " nance of his known undoubted rights, he doth " promise, in the presence of Almighty God, and " as he hopes for his blessing in his success, that " he would, to the utmost of his powers, defend " and maintain the true protestant profession, the " law of the land, the liberty of the subject, and " the just privilege and freedom of parliament.

" For the order of assistance given to the com- " mittee of both houses, concerning their going to " Hull, he said, he should say no more, but that " those persons, named in that order, he presumed, " would give no commands, or his good subjects " obey other, than what were warranted by the " law, (how large the directions are, or the in- " structions might be,) for to that rule he should " apply his own actions, and by it require an account " from other men; and that all his good subjects " might the better know their duty in matters of " this nature, he wished them carefully to peruse " the statute of the eleventh year of king Henry " VII. ch. 1. He said, he would conclude with " Mr. Pym's own words: If the prerogative of the " king overwhelm the liberty of the people, it will " be turned to tyranny; if liberty undermine the " prerogative, it would grow into anarchy."

Besides their declaration, votes, and orders in the justification of sir John Hotham, for his better encouragement, and for a ground of his son's residence at Hull, in whom they had in truth a firmer confidence than in the father, they ordered, "That "if, by any force or accident, sir John Hotham "should lose his life, or otherwise die in that ser- "vice, that his son should succeed him in the go- "vernment;" and having thus declared themselves, they thought fit at last to send some particular answer to the king upon that business; which they were the rather inclined to do, that under that pretence they might send down a committee of their own to reside at York: whereby they might receive constant animadversions of what happened, and what was designed, and their friends and dependents in that large, populous, and rich county, be the better confirmed in their affections and devotions to them; and, to that purpose, they sent down the lord Howard of Escrick, the lord Fairfax, sir Hugh Cholmely, (a fast friend to sir John Hotham,) sir Philip Stapleton, who had likewise married Hotham's daughter, and sir Harry Cholmely, who presented their answer in writing to his majesty; the which, being of a mould unusual, and a dialect higher and rougher than even themselves had yet used, I have thought fit to insert in the same words it was delivered; thus:

The most humble answer of the lords and commons in parliament to two messages from your sacred majesty concerning sir John Hotham's refusal to give your majesty entrance into the town of Hull.

"Your majesty may be pleased to understand,

" that we, your great council, finding manifold " evidences of the wicked counsels and practices of " some in near trust and authority about you, to " put the kingdom into a combustion, by drawing " your majesty into places of strength, remote from " your parliament, and by exciting your people to " commotions, under pretence of serving your ma- " jesty against your parliament, lest this malignant " party, by the advantage of the town and maga- " zine of Hull, should be enabled to go through " with their mischievous intentions, did, in dis- " charge of the great trust that lies upon us, and " by that power which in cases of this nature resides " in us, command the town of Hull to be secured " by a garrison of the adjoining trained band, under " the government of sir John Hotham; requiring " him to keep the same for the service of your " majesty and the kingdom: wherein we have done " nothing contrary to your royal sovereignty in " that town, or legal propriety in the magazine.

" Upon consideration of sir John Hotham's pro- " ceeding at your majesty's being there, we have " upon very good grounds adjudged, that he could " not discharge the trust, upon which, nor make " good the end, for which he was placed in the " guard of that town and magazine, if he had let " in your majesty with such counsellors and com- " pany as were then about you.

" Wherefore, upon full resolution of both houses, " we have declared sir John Hotham to be clear " from that odious crime of treason; and have " avowed, that he hath therein done nothing but " in obedience to the command of both houses of " parliament; assuring ourselves, that, upon mature

" deliberation, your majesty will not interpret his " obedience to such authority to be an affront to " your majesty, or to be of that nature, as to require " any justice to be done upon him, or satisfaction " to be made to your majesty: but that you will " see just cause of joining with your parliament, in " preserving and securing the peace of the king- " dom; suppressing this wicked and malignant " party; who, by false colours, and pretensions of " maintaining your majesty's prerogative against " the parliament, (wherein they fully agree with " the rebels of Ireland,) have been the causes of all " our distempers and dangers.

" For prevention whereof we know no better " remedy, than settling the militia of the kingdom, " according to the bill, which we have sent your " majesty, without any intention of deserting, or " declining the validity, or observance of that or- " dinance, which passed both houses, upon your " majesty's former refusal: but we still hold that " ordinance to be effectual by the laws of this " kingdom. And we shall be exceeding glad, if " your majesty, by approving these our just, dutiful, " and necessary proceedings, shall be pleased to " entertain such counsel, as we assure ourselves, " by God's blessing, will prove very advantageous " for the honour and greatness of your majesty; " the safety and peace of your people; amongst " which we know none more likely to produce such " good effects, than a declaration from your majesty " of your purpose to lay aside all thoughts of going " into Ireland, and to make a speedy return into " these parts, to be near your parliament. Which, " as it is our most humble desire, and earnest peti-

" tion, so shall it be seconded with our most dutiful " care for the safety of your royal person, and " constant prayers, that it may prove honourable " and successful, in the happiness of your majesty, " and all your kingdoms."

To this answer, with all formality delivered to his majesty by the committee, the king returned a quick reply:

" That he had been in good hope, that the rea- " son, why they had so long deferred their answer " to his messages concerning Hull, had been; that " they might the better have given him satisfaction " therein, which now added the more astonishment, " finding their answer, after so long advisement, to " be of that nature, which could not but rather " increase than diminish the present distractions, if " constantly adhered to by the parliament. He " asked them, whether it was not too much, that " his town of Hull had a garrison put into it, to " the great charge of the country, and inconveni- " ence to the poor inhabitants, without his consent " and approbation, under colour at that time of " foreign invasion, and apprehensions of the popish " party; but that now the reasons thereof should " be enlarged with a scandal to his majesty, and " his faithful servants, only to bring in the more " specious pretext for the avowing sir John " Hotham's insolence and treason?

" He said, he had often heard of the great trust, " that, by the law of God and man, was committed " to the king for the defence and safety of his peo- " ple; but as yet he never understood, what trust " or power was committed to either or both houses " of parliament, without the king; they being

" summoned to counsel and advise the king. But " by what law or authority they possess themselves " of his majesty's proper right and inheritance, he " was confident, that as they had not, so they " could not shew. He told them, that he had not " hitherto given the least interruption to public " justice; but they, rather than suffer one of their " members to come so much as to a legal trial for " the highest crime, would make use of an order " of parliament to countenance treason, by declar- " ing him free from that guilt, which all former " ages never accounted other; and that without " so much as inquiring the opinion of the judges; " for he was confident, they would have mentioned " their opinion, if they had asked it.

" Therefore he expected, that upon further and " better consideration of the great and necessary " consequence of the business of Hull, and seri- " ously weighing, how much it did concern the " peace and quiet of the kingdom, they would, " without further instance from his majesty, give " him full and speedy justice against sir John " Hotham. And he said, he would leave all his " good people to think, what hope of justice there " was left for them, when they refused, or delayed, " to give their own sovereign satisfaction. And, " as he had already said, till that should be done, " he would intend no business whatsoever, other " than that of Ireland.

" And he said, he likewise expected that they " would not put the militia in execution, until they " could shew him by what law they had authority " to do the same, without his consent; or if they " did, he was confident, that he should find much

" more obedience according to law, than they " would do against law. And he should esteem " all those, who should obey them therein, to be " disturbers of the peace of the kingdom; and " would, in due season, call them to a legal account " for the same.

" Concerning his return, he told them, he never " heard that the slandering of a king's government, " and his faithful servants, the refusing of him jus- " tice, and in a case of treason, and the seeking to " take away his undoubted and legal authority, " under the pretence of putting the kingdom into " a posture of defence, were arguments to induce " a king to come near, or hearken to his parlia- " ment."

The king despatched this answer the sooner, that the country might be freed from the impression, the presence and activity of the committee made in them: but when he delivered it to them, and required them to make all convenient haste with it to the houses, they told him, " they would send " it by an express, but that themselves were " required and appointed to reside still at York." The king told them, " that he liked not to have " such supervisors near him, and wished them to " be very careful in their carriage; that the country " was visibly then very well affected; and if he " found any declension, he well knew to whom to " impute it; and should be compelled to proceed " in another manner against them, than, with refer- " ence to their persons," (for they were all then reputed moderate men, and had not been thought disaffected to the government of the church or state,) " he should be willing to do." They answered

with a sullen confidence, "that they should demean "themselves according to their instructions; and "would perform the trust reposed in them by the "two houses of parliament." Yet such was the ticklishness of the king's condition, that, though it was most evident that their coming, and staying there, was to pervert and corrupt the loyalty and affections of those parts, and to infuse into them inclinations contrary to their allegiance, it was not thought counsellable at that time, either to commit them to prison, or to expel them from that city, or to inhibit them the freedom of his own court and presence; and so they continued for the space of above a month, in York, even in defiance of the king.

The militia was the argument, which they found made deepest impression in the people, being totally ignorant what it was, or what the consequence of it might be; and so believing whatsoever they told them concerning it. And therefore they resolved to drive that nail home; and though, for want of their imminent danger, and during the time of the king's treaty, and overture of a bill, they had forborne the execution of their ordinance; yet the frequent musters of volunteers without order, almost in all countries, by the bare authority of their votes, gave them sufficient evidence how open the people were to their commands; at least, how unprepared authority was to resist and oppose them: and therefore, after the king had displaced their favourites, and refused to pass the bill for the militia, and sir John Hotham had refused to let the king come into the town of Hull, and they had justified him for so doing, they prepared a declaration con-

cerning the whole state of the militia, as the resolution of the lords and commons upon that matter; in which they said,

"That holding it necessary for the peace and "safety of the kingdom, to settle the militia there- "of, they had, for that purpose, prepared an ordi- "nance of parliament, and with all humility had "presented the same to his majesty for his royal "assent. Who, notwithstanding the faithful advice "of his parliament, and the several reasons offered "by them, of the necessity thereof for the securing "of his majesty's person, and the peace and safety "of his people, did refuse to give his consent; and "thereupon they were necessitated, in discharge of "the trust reposed in them, as the representative "body of the kingdom, to make an ordinance, by "the authority of both houses, to settle the militia, "warranted thereunto by the fundamental laws of "the land: that his majesty, taking notice thereof, "did, by several messages, invite them to settle "the same by act of parliament; affirming in his "message sent in answer to the petition of both "houses, presented to his majesty at York, March "26, that he always thought it necessary the same "should be settled, and that he never denied the "thing, only denied the way; and for the matter of "it, took exceptions only to the preface, as a thing "not standing with his honour to consent to; and "that himself was excluded in the execution, and "for a time unlimited: whereupon the lords and "commons, being desirous to give his majesty all "satisfaction that might be, even to the least tittle "of form and circumstances, and when his majesty "had pleased to offer them a bill ready drawn,

" had, for no other cause, than to manifest their " hearty affection to comply with his majesty's " desires, and obtain his consent, entertained the " same, and in the mean time no way declining " their ordinance; and, to express their earnest " zeal to correspond with his majesty's desire, (in " all things that might consist with the peace and " safety of the kingdom, and the trust reposed in " them,) did pass that bill, and therein omitted the " preamble inserted before the ordinance; limited " the time to less than two years; and confined " the authority of the lieutenants to these three " particulars; namely, rebellion, insurrection, and " foreign invasion; and returned the same to his " majesty for his royal assent: but all these expres- " sions of affection and loyalty, all those desires and " earnest endeavours to comply with his majesty, " had, to their great grief and sorrow, produced " no better effects than an absolute denial, even of " that which his majesty, by his former messages, " as they conceived, had promised: the advice of " evil and wicked councils receiving still more " credit with him, than that of his great council of " parliament, in a matter of so high importance, " that the safety of his kingdom, and peace of his " people, depended upon it.

" But now, what must be the exceptions to that " bill? Not any sure that [were] to the ordinance; " for a care had been taken to give satisfaction in " all those particulars. Then the exception was, " because that the disposing and execution thereof " was referred to both houses of parliament, and " his majesty excluded; and now that, by the bill, " the power and execution was ascertained, and

" reduced to particulars, and the law of the realm " made the rule thereof, his majesty would not " trust the persons. The power was too great, too " unlimited, to trust them with. But what was " that power? Was it any other, but, in express " terms, to suppress rebellion, insurrection, and " foreign invasion? And who were those persons? " Were not they such as were nominated by the " great council of the kingdom, and assented to by " his majesty? And was it too great a power, to " trust those persons with the suppression of rebel- " lion, insurrection, and foreign invasion? Surely, " they said, the most wicked of them who advised " his majesty to that answer, could not suggest, " but that it was necessary for the safety of his " majesty's royal person, and the peace of the " kingdom, such a power should be put in some " hands; and there was no pretence for exception " to the persons. They said, his majesty had, for " the space of above fifteen years together, not " thought a power, far exceeding that, to be too " great to intrust particular persons with, to whose " will the lives and liberties of his people, by " martial laws, were made subject; for such was " the power given to lord lieutenants, and deputy " lieutenants, in every county of this kingdom, and " that without the consent of the people, or author- " ity of law. But now in case of extreme necessity, " upon the advice of both houses of parliament, for " no longer space than two years, a lesser power, " and that for the safety of king and people, was " thought too great to trust particular persons " with, though named by both houses of parlia- " ment, and approved by his majesty himself: and

" surely, if there were a necessity to settle the " militia, (which his majesty was pleased to con- " fess,) the persons could not be intrusted with less " power than that, to have it effectual. And the " precedents of former ages, when there happened " a necessity to raise such a power, never strait- " ened that power to a narrower compass; witness " the commissions of array in several kings' reigns, " and often issued out by the consent and authority " of parliament.

" The lords and commons therefore, intrusted " with the safety of the kingdom, and peace of the " people, (which, they called God to witness, was " their only aim,) finding themselves denied those " their so necessary and just demands, and that " they could never be discharged before God or " man, if they should suffer the safety of the king- " dom, and peace of the people, to be exposed to " the malice of the malignant party at home, or " the fury of enemies from abroad: and knowing " no other way to encounter the imminent and " approaching danger, but by putting the people " into a fit posture of defence, did resolve to put " their said ordinance in present execution; and did " require all persons in authority, by virtue of the " said ordinance, forthwith to put the same in exe- " cution, and all others to obey it, according to the " fundamental laws of the kingdom in such cases, " as they tendered the upholding of the true pro- " testant religion, the safety of his majesty's person, " and his royal posterity, the peace of the kingdom, " and the being of this commonwealth." This de- claration (being in answer to a message from his majesty) was printed, and, with the usual care and

dexterity, dispersed throughout the kingdom, without so much as sending it to the king; and, thereupon, warrants and directions issued into all parts, for the exercising the militia.

This being the first declaration they had in plain terms published against the king, without ever communicating it, or presenting it to him, as they had done all the rest, his majesty was the more troubled how to take notice of it; but conceiving it necessary to apply some antidote to this poison, the violent operation whereof he had reason to apprehend, he published a declaration by way of answer to that declaration, in which he said,

"That he very well understood, how much it "was below the high and royal dignity (wherein "God had placed him) to take notice of, much "more to trouble himself with answering, those "many scandalous, seditious pamphlets, and printed "papers, which were scattered, with such great "license, throughout the kingdom, (notwithstanding his majesty's earnest desire, so often in vain "pressed, for a reformation,) though he found it "evident, that the minds of many of his weak subjects had been, and still were, poisoned by those "means; and that so general a terror had possessed the minds and hearts of all men, that "whilst the presses swarmed [with], and every "day produced, new tracts against the established "government of the church and state, most men "wanted the courage, or the conscience, to write, "or the opportunity and encouragement to publish, "such composed, sober animadversions, as might "either preserve the minds of his good subjects "from such infection, or restore and recover them,

" when they were so infected: but, his majesty " said, he was contented to let himself fall to any " office, that might undeceive his people, and to " take more pains that way by his own pen, than " ever king had done, when he found any thing " that seemed to carry the reputation and authority " of either or both houses of parliament, and would " not have the same refuted, or disputed by vulgar " and common pens, till he should be throughly " informed whether those acts had in truth that " countenance and warrant they pretend: which " regard of his, his majesty doubted not but, in " time, would recover that due reverence (the ab- " sence whereof he had too much reason to com- " plain [of]) to his person and his messages, which " in all ages had been paid, and, no doubt, was due " to the crown of England.

" He said, he had therefore taken notice of a " printed paper, entitled, a Declaration of both " Houses, in answer to his last message concerning " the militia, published by command; the which " he was unwilling to believe (both for the matter " of it, the expressions in it, and the manner of " publishing it) could result from the consent of " both houses; neither did his majesty know by " what lawful command, such uncomely, irreverent " mention of him could be published to the world: " and, though declarations of that kind had of late, " with too much boldness, broken in upon his " majesty and the whole kingdom, when one or " both houses had thought fit to communicate their " counsels and resolutions to the people; yet, he " said, he was unwilling to believe, that such a " declaration as that could be published in answer

" to his message, without vouchsafing at least to " send it to his majesty as their answer: their " business, for which they were met by his writ " and authority, being to counsel him for the good " of his people, not to write against him to his " people; nor had any consent of his majesty for " their long continuing together enabled them to " do any thing, but what they were first summoned " by his writ to do. At least he would believe, " though misunderstanding and jealousy (the justice " of God, he said, would overtake the fomenters of " that jealousy, and the promoters and contrivers " of that misunderstanding) might produce, to say " no worse, those very untoward expressions, that " if those houses had contrived that declaration as " an answer to his message, they would have vouch- " safed some answer to the questions proposed in " his, which, he professed, did, and must evidently " prevail over his understanding; and, in their " wisdom and gravity, they would have been sure " to have stated the matters of fact, as (at least to " ordinary understandings) might be unquestion- " able; neither of which was done by that decla- " ration.

" His majesty had desired to know, why he was " by that act absolutely excluded from any power " or authority in the execution of the militia: and, " he said, he must appeal to all the world, whether " such an attempt were not a greater and juster " ground for fear and jealousy in him, than any one " that was avowed for those destructive fears and " jealousies which were so publicly owned, almost, " to the ruin of the kingdom. But his majesty " had been told, that he must not be jealous of his

" great council of both houses of parliament. He " said, he was not, no more than they were of his " majesty, their king; and hitherto they had not " avowed any jealousy of, or disaffection to, his " person; but imputed all to his evil counsellors, " to a malignant party, that was not of their minds; " so his majesty did (and, he said, he did it from " his soul) profess no jealousy of his parliament, " but of some turbulent, seditious, and ambitious " natures; which, being not so clearly discerned, " might have an influence even upon the actions " of both houses: and if that declaration had " passed by that consent, (which he was not willing " to believe,) he said, it was not impossible, but " that the apprehension of such tumults, which had " driven his majesty from his city of London, for " the safety of his person, might make such an " impression upon other men, not able to remove " from the danger, to make them consent, or not " to own a dissent, in matters not agreeable to " their conscience or understanding.

" He said, he had mentioned, in that his answer, " his dislike of putting their names out of the bill, " whom before they recommended to his majesty, " in their pretended ordinance, and the leaving " out, by special provision, the present lord mayor " of London: to all which the declaration afforded " no answer; and therefore he could not suppose it " was intended for an answer to that his message, " which whosoever looked upon, would find to be " in no degree answered by that declaration; but " it informed all his majesty's subjects, after the " mention with what humility the ordinance was " prepared, and presented to his majesty, (a matter

" very evident in the petitions, and messages con-
" cerning it,) and his refusal to give his consent,
" notwithstanding the several reasons offered, of
" the necessity thereof for the securing of his
" person, and the peace and safety of his people,
" (whether any such reasons were given, the weight
" of them, and whether they were not clearly and
" candidly answered by his majesty, the world
" would easily judge,) that they were at last neces-
" sitated to make an ordinance by authority of both
" houses, to settle the militia, warranted thereunto
" by the fundamental laws of the land. But, his
" majesty said, if that declaration had indeed in-
" tended to have answered him, it would have told
" his good subjects what those fundamental laws
" of the land were, and where to be found; and
" would, at least, have mentioned one ordinance,
" from the first beginning of parliaments to this
" present parliament, which endeavoured to impose
" any thing upon the subject without the king's
" consent; for of such, he said, all the inquiry he
" could make could never produce him one instance.
" And if there were such a secret of the law, which
" had lain hid from the beginning of the world to
" that time, and now was discovered to take away
" the just, legal power of the king, he wished there
" were not some other secret (to be discovered
" when they pleased) for the ruin and destruction
" of the liberty of the subject. For, he said, there
" was no doubt if the votes of both houses had any
" such authority to make a new law, it had the
" same authority to repeal the old; and then, what
" would become of the long established rights of
" the king and subject, and particularly of Magna

" Charta, would be easily discerned by the most " ordinary understanding.

" He said, it was true, that he had (out of ten- " derness of the constitution of the kingdom, and " care of the law, which he was bound to defend, " and being most assured of the unjustifiableness " of the pretended ordinance) invited, and desired " both houses of parliament to settle whatsoever " should be fit of that nature by act of parliament. " But was he therefore obliged to pass whatsoever " should be brought to him of that kind? He did " say in his answer to the petition of both houses, " presented to him at York the 26th of March last, " (and he had said the same in other messages be- " fore,) that he always thought it necessary that " the business of the militia should be settled, and " that he never denied the thing, only denied the " way; and he said the same still; and that since " the many disputes and votes, upon lords lieute- " nants and their commissions, (which had not " been begun by his majesty, nor his father,) had " so discountenanced that authority, which for " many years together was looked upon with " reverence and obedience by the people, his " majesty did think it very necessary, that some " wholesome law should be provided for that busi- " ness; but he had declared in his answer to the " pretended ordinance, that he expected, that that " necessary power should be first invested in his " majesty, before he consented to transfer it to other " men; neither could it ever be imagined that he " would consent that a greater power should be in " the hands of a subject, than he was thought " worthy to be trusted with himself. And if it

" should not be thought fit to make a new act or " declaration in the point of the militia, he doubted " not but he should be able to grant such com- " missions as should very legally enable those " he trusted, to do all offices for the peace and " quiet of the kingdom, if any disturbance should " happen.

" But it was said, he had been pleased to offer " them a bill ready drawn, and that they, to ex- " press their earnest zeal to correspond with his " desire, did pass that bill; and yet all that ex- " pression of affection and loyalty, all that earnest " desire of theirs to comply with his majesty, pro- " duced no better effect than an absolute denial, " even of what by his former messages his majesty " had promised; and so that declaration, he said, " proceeded, under the pretence of mentioning evil " and wicked councils, to censure and reproach his " majesty in a dialect, that, he was confident, his " good subjects would read, on his behalf, with " much indignation. But, his majesty said, sure " if that declaration had passed the examination of " both houses of parliament, they would never have " affirmed, that the bill he had refused to pass was " the same he had sent to them, or have thought " that his message, wherein the difference and con- " trariety between the two bills was so particularly " set down, would be answered with the bare aver- " ring them to be one and the same bill: nor would " they have declared, when his exceptions to the " ordinance, and the bill, were so notoriously known " to all, that care being taken to give satisfaction " in all the particulars he had excepted against in " the ordinance, he had found new exceptions to

" the bill; and yet that very declaration confessed, " that his exception to the ordinance was, that, " in the disposing and execution thereof, his " majesty was excluded: and was not that an " express reason, in his answer, for his refusal " of the bill; which that declaration would needs " confute?

" But the power was no other than to suppress " rebellion, insurrection, and foreign invasion; and " the persons trusted, no other than such as were " nominated by the great council of the kingdom, " and assented to by his majesty: and they asked, " if that were too great a power to trust those " persons with? Indeed, his majesty said, whilst " so great liberty was used in voting, and declaring " men to be enemies to the commonwealth, (a " phrase his majesty scarce understood,) and in " censuring men for their service, and attendance " upon his majesty's person, and in his lawful " commands, great heed must be taken into what " hands he committed such a power to suppress " insurrection and rebellion; and if insurrection " and rebellion had found other definitions than " what the law had given, his majesty must be " sure, that no lawful power should justify those " definitions: and if there were learning found out " to make sir John Hotham's taking arms against " him, and keeping his majesty's town and fort " from him, to be no treason or rebellion, he knew " not whether a new discovery might not find it " rebellion in his majesty to defend himself from " such arms, and to endeavour to recover what " was so taken from him; and therefore, he said, " it concerned him, till the known laws of the

" land were allowed to be judge between them, " to take heed into what hands he committed such " power.

" Besides, he asked, whether it could be thought, " that because he was willing to trust certain per- " sons, that he was obliged to trust them in what- " soever they were willing to be trusted? He said, " no private hands were fit for such a trust; neither " had he departed from any thing, in the least " degree, he had offered or promised before; " though he might with as much reason have " withdrawn his trust from some persons, whom " before he had accepted, as they had done from " others, whom they had recommended. For the " power which he was charged to have committed " to particular persons, for the space of fifteen " years, by his commissions of lieutenancy, it was " notoriously known, that it was not a power cre- " ated by his majesty, but continued very many " years, and in the most happy times this kingdom " had enjoyed, even those of his renowned prede- " cessors, queen Elizabeth, and his father of happy " memory; and whatever authority had been " granted by those commissions, which had been " kept in the old forms, the same was determinable " at his majesty's pleasure; and he knew not, that " they produced any of those calamities, which " might give his good subjects cause to be so " weary of them, as to run the hazard of so much " mischief, as that bill, which he had refused, " might possibly have produced.

" For the precedents of former ages in the com- " missions of array, his majesty doubted not, but " when any such had issued out, that the king's

" consent was always obtained, and the commis-
" sions determinable at his pleasure; and then
" what the extent of power was, would be nothing
" applicable to that case of the ordinance.

" But whether that declaration had refuted his
" majesty's reasons for his refusal to pass the bill,
" or no, it resolved, and required all persons in
" authority thereby to put the ordinance in pre-
" sent execution; and all others to obey it ac-
" cording to the fundamental laws of the land.
" But, his majesty said, he, whom God had trusted
" to maintain and defend those fundamental laws,
" which, he hoped, God would bless to secure him,
" did declare, that there was no legal power in
" either, or both houses, upon any pretence what-
" soever, without his majesty's consent, to com-
" mand any part of the militia of the kingdom;
" nor had the like ever been commanded by
" either, or both houses, since the first foundation
" of the laws of the land; and that the execution
" of, or the obedience to, that pretended ordinance,
" was against the fundamental laws of the land,
" against the liberty of the subject, and the right
" of parliaments, and a high crime in any that
" should execute the same: and his majesty did
" therefore charge and command all his loving
" subjects, of what degree or quality soever, upon
" their allegiance, and as they tendered the peace
" of the kingdom, from thenceforth not to muster,
" levy, or array, or summon, or warn any of the
" trained bands to rise, muster, or march, by
" virtue, or under colour, of that pretended ordi-
" nance: and to that declaration and command of
" his majesty's, he said, he expected and required

" a full submission and obedience from all his " loving subjects, upon their allegiance, as they " would answer the contrary at their perils, and " as they tendered the upholding of the true pro- " testant religion, the safety of his person, and " his royal posterity, the peace, and being of the " kingdom."

Notwithstanding these sharp declarations, (infallible symptoms of sharper actions,) which were with equal diligence dispersed by either side amongst the people, save that the agents for the parliament took as much care to suppress the king's, as to publish their own, whereas the king's desire was that they might be both impartially read and examined, and to that purpose always caused those from the parliament to be printed with his own, they had the power and skill to persuade men, who, but by that persuasion, could not have been seduced, and without seducing of whom they could have made a very sorry progress in mischief, " that all would be " well; that they were well assured that the king " would, in the end, yield to what they desired; at " least, that they should prevail for a good part, if " not for all, and that there should be no war:" though themselves well knew, that the fire was too much kindled to be extinguished without a flame, and made preparations accordingly. For the raising and procuring of money (besides the vast sums collected and contributed for Ireland, which they disbursed very leisurely, the supplies for that kingdom, notwithstanding the importunity and complaint from thence, being not despatched thither, both in quantity and quality, with that expedition as was pretended) they sent out very strict warrants

for the gathering all those sums of money, which had been granted by any bills of subsidy, or poll-bill; in the collection of all which there had been great negligence, probably that they might have it the more at their own disposal in their need; by which they now recovered great sums into their hands. For the raising of men, (though it was not yet time for them to avow the raising an army,) besides the disposing the whole kingdom to subject themselves to their ordinance of the militia, and, by that, listing in all places companies of volunteers, who would be ready when they [were] called, they made more haste than they had done in the levies of men, both horse and foot, for the relief of Ireland, under officers chosen or approved by themselves; and proposed the raising an army apart, of six or eight thousand, under the command of the lord Wharton, (a man very fast to them,) for Munster, under the style of the adventurers' army, and to have no dependence upon, nor be subject to, the lord lieutenant of Ireland, but only to receive orders from the two houses, and from a committee to be appointed by them, which should be always with that army: but the king, easily discerning the consequence of that design, refused to grant such a commission as they desired; so that they were forced to be content, only with the advantage of new exclamations against the king, "for hindering "the supplies for Ireland," upon the occasion of his denial of that unreasonable commission, and to proceed in their levies the ordinary way; which they did with great expedition. To confirm and encourage the factious and schismatical party of the kingdom, which thought the pace towards the

reformation was not brisk and furious enough, and was with great difficulty contained in so slow a march, they had, a little before, published a declaration:

"That they intended a due and necessary reformation of the government and liturgy of the church, and to take away nothing in the one or the other, but what should be evil, and justly offensive, or at least unnecessary, and burdensome: and, for the better effecting thereof, speedily to have consultation with godly and learned divines: and, because that would never of itself attain the end sought therein, they would therefore use their utmost endeavours to establish learned and preaching ministers, with a good and sufficient maintenance throughout the whole kingdom; wherein many dark corners were miserably destitute of the means of salvation, and many poor ministers wanted necessary provision."

This declaration, printed, and appointed to be published by the sheriffs in their several counties, in all the market-towns within the kingdom of England and dominion of Wales, was not more intended to the heartening of those who were impatient for a reformation, (who in truth had so implicit a faith in their leaders, that they expected another manner of reformation than was publicly promised,) than to the lulling those asleep, who began to be awake with the apprehension of that confusion, they apprehended from the practice and license, they saw practised against the received government, and doctrine of the church; and to be persuaded, that it was time to oppose that cur-

rent. And in this project they were not disappointed: for though this warily worded declaration was evidence enough to wise men, what they intended, and logically comprehended, an alteration as great as hath been since attempted and made; yet to lazy and quiet men, who could not discern consequences, and were not willing to antedate their miseries, by suspecting worse was to come than they felt, or saw in their view, their fears were much abated, and the intentions of the parliament seemed not so bad as they had been told by some that they were: and as this very declaration of a due reformation to be made of the government of the church, and the liturgy, would, a year before, have given great umbrage and scandal to the people, when, generally, there was a due submission to the government, and a singular reverence of the liturgy of the church of England; so now, when there was a general fear and apprehension inculcated into them, of a purpose utterly to subvert the government, and utterly to abolish the liturgy, they thought the taking away nothing in the one or the other, but what should be evil, and justly offensive, or, at least, unnecessary and burdensome, was an easy composition; and so, by degrees, they suffered themselves to be still prevailed on towards ends they extremely abhorred; and what at first seemed profane and impious to them, in a little time appeared only inconvenient; and what, in the beginning, they thought matter of conscience and religion, shortly after they looked upon as somewhat rather to be wished than positively insisted on; and consequently not to be laid in the balance with the public peace, which they

would imagine to be endangered by opposing the sense that then prevailed; and so, by undervaluing many particulars, (which they truly esteemed,) as rather to be consented to, than that the general should suffer, they brought, or suffered the public to be brought to all the sufferings it since underwent.

And now they shewed what consultation they meant to have with godly and learned divines, and what reformation they intended, by appointing the knights and burgesses to bring in the names of such divines for the several counties, as they thought fit to constitute an assembly for the framing a new model for the government of the church, which was done accordingly; those who were true sons of the church, not so much as endeavouring the nomination of sober and learned men, abhorring such a reformation, as begun with the invasion and suppression of the church's rights in calling a synod, as well known as Magna Charta: and if any well affected member, not enough considering the scandal and the consequence of that violation, did name an orthodox and well reputed divine, to assist in that assembly, it was argument enough against him, that he was nominated by a person in whom they had no confidence; and they only had reputation enough to commend to this consultation, who were known to desire the utter demolishing of the whole fabric of the church: so that of about one hundred and twenty, of which that assembly was to consist, (though, by the recommendation of two or three members of the commons, whom they were not willing to displease, and by the authority of the lords, who added a small number to those named

by the house of commons, a few very reverend and worthy men were inserted; yet of the whole number) they were not above twenty, who were not declared and avowed enemies to the doctrine or discipline of the church of England; many of them infamous in their lives and conversations; and most of them of very mean parts in learning, if not of scandalous ignorance; and of no other reputation, than of malice to the church of England; so that that convention hath not since produced any thing, that might not then reasonably have been expected from it.

But that which gave greatest power and strength to their growing faction, was the severity they used against all those, of what quality or degree soever, who opposed their counsels and proceedings. If any lord, who had any place of honour or trust from the king, concurred not with them, they made an inquisition into the whole passages of his life; and if they could find no fault, or no folly (for any levity, or indiscretion, served for a charge) to reproach him with, it was enough, "that they could "not confide in him:" so they threatened the earl of Portland, who with extraordinary vivacity crossed their consultations "that they would remove him "from his charge and government of the Isle of "Wight," (which, at last, they did *de facto*, by committing him to prison, without so much as assigning a cause,) and to that purpose objected all the acts of good fellowship; all the waste of powder, and all the waste of wine, in the drinking of healths; and other acts of jollity, whenever he had been at his government, from the first hour of his entering upon it: so that the least inconveni-

ence a man in their disfavour was to expect, was to have his name and reputation used, for two or three hours, in the house of commons, with what license and virulency they pleased. None were persecuted with more rigour than the clergy; whereof whosoever publicly, or privately, censured their actions, or suspected their intentions, was either committed to prison, or compelled to a chargeable and long attendance, as inconvenient as imprisonment. And this measure of proceeding was equally, if not with more animosity, applied to those, who, in former times, had been looked upon by that party with most reverence. On the contrary, whoever concurred, voted, and sided with them, in their extravagant conclusions, let the infamy of his former life, or present practice, be what it would, his injustice and oppression never so scandalous and notorious, he was received, countenanced, and protected, with marvellous demonstrations of affection: so that, between those that loved them, and those that feared them, those that did not love the church, and those that did not love some churchmen; those whom the court had oppressed, and those who had helped the court to oppress others; those who feared their power, and those who feared their justice; their party was grown over the kingdom, but especially in the city, justly formidable.

In the mean time, the king omitted no opportunity to provide against the storm he saw was coming; and, though he might not yet own the apprehension of that danger he really found himself in, he neglected not the provision of what he thought most necessary for his defence; he caused

all his declarations, messages, and answers, to be industriously communicated throughout his dominions; of which he found good effects; and, by their reception, discovered that the people universally were not so irrecoverably poisoned, as he before had cause to fear: he caused private intimations to be given, and insinuations to be made to the gentry, "that their presence would be ac- "ceptable to him;" and to those, who came to him, he used much gracious freedom, and expressed all possible demonstrations, that he was glad of their attendance: so that, in a short time, the resort to York was very great; and, at least, a good face of a court there.

Beyond the seas, the queen was as intent to do her part; and to provide that so good company, as she heard was daily gathered together about the king, should not be dissolved for want of weapons to defend one another: and therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own, and some of the crown jewels, a good quantity of powder and arms to be in a readiness in Holland, against the time that it should be found necessary to transport it to his majesty: so that both sides, whilst they entertained each other with discourses of peace, (which always carried a sharpness with them, that whetted their appetite to war,) provided for that war, which they saw would not be prevented.

Hitherto the greatest acts of hostility, saving that at Hull, were performed by votes and orders; for there was yet no visible, formal execution of

the ordinance for the militia, in any one county of England: for the appearance of volunteers in some factious corporations [was] rather countenanced than positively directed and enjoined by the houses; and most places pretended an authority, granted by the king in the charters, by which those corporations were erected, or constituted: but now they thought it time to satisfy the king, and the people, that they were in earnest, (who were hardly persuaded, that they had in truth the courage to execute their own ordinance,) and resolved, "that, on "the tenth of May, they would have all the "trained bands of London mustered in the fields, "where that exercise usually was performed;" and accordingly, on that day, their own new officer, sergeant-major-general Skippon, appeared in Finsbury fields, with all the trained bands of London, consisting of above eight thousand soldiers, disposed into six regiments, and under such captains and colonels, as they had cause to confide in. At this first triumphant muster, the members of both houses appeared in gross, there being a tent purposely set up for them, and an entertainment at the charge of the city to the value of near a thousand pounds; all men presuming that this example of London, with such ceremony and solemnity, would be easily followed throughout the kingdom; and many believing they had made no small progress towards the end they aimed at, by having engaged the very body of the city in a guilt equal to their own: for though they had before sufficient evidence of the inclinations of the mean and common people to them, and reasonable assurance, that those in authority would hardly be able to

contain them; yet, till this day, they had no instance of the concurrence of the city in an act expressly unlawful. But now they presumed all difficulties were over; and so sent their directions to the counties adjacent, speedily to execute the same ordinance: and appointed all the magazines of the several counties of England and Wales, to such custody, as their lord lieutenants, or their deputy lieutenants, should appoint; and that not only the counties should increase those magazines to what proportion soever they thought convenient, but that any private persons, that were well affected, should supply themselves with what arms and ammunition they pleased. By which means, besides the king's magazines, all which were in their possession, they caused great quantities of all sorts of arms to be provided, and disposed to such places and persons, as they thought fittest to be trusted; especially in those factious corporations, which had listed most volunteers for their service.

The king now saw the storm coming apace upon him; that (notwithstanding his proclamations published against the ordinance of the militia, in which he set down the laws and statutes, which were infringed thereby, and by which the execution of that ordinance would be no less than high treason) the votes and declaration of both houses, "that "those proclamations were illegal, and that those "acts of parliament could not control the acts and "orders of both houses, (which the subjects were, "by the fundamental laws of the kingdom, to "obey,)" prevailed so far, that obedience was given to them; that he was so far from being like

to have Hull restored to him, that the garrison there daily increased, and forced the country to submit to such commands they pleased to lay on them; and that sir John Hotham was more likely to be able to take York, than his majesty to recover Hull; he thought it, therefore, high time, by their example, to put himself into a posture of defence; the danger being much more imminent to his majesty, than to those who had begot that ordinance. Hereupon, at a public meeting of the country, his majesty declared, "that he was resolved, in regard of the public distempers, and "the neighbourhood of Hull, to have a guard for "his person; but of such persons, and with such "circumstances, as should administer no occasion "of jealousy to the most suspicious; and wished "the gentlemen of quality, who attended, to consider, and advise of the way:" who shortly after (notwithstanding the opposition given by the committee, which still resided there; and the factious party of the county, which was inflamed, and governed by them) expressed a great alacrity to comply with his majesty's desire, in whatsoever should be proposed to them; and a sense, "that they "thought a sufficient guard was very necessary "for the security of his majesty's person." Hereupon, the king appointed such gentlemen as were willing to list themselves into a troop of horse, and made the prince of Wales their captain; and made choice of one regiment of the trained bands, consisting of about six hundred, whom he caused, every Saturday, to be paid at his own charge; when he had little more in his coffers than would defray the weekly expense of his table: and this

troop, with this regiment, was the guard of his person; it being first declared by his majesty, "that no person should be suffered, either in the "troop, or the regiment, who did not, before his "admission into the service, take the oaths of "allegiance and supremacy;" that so he might be free from the scandal of entertaining papists for his security.

But this caution would not serve; the fears and jealousies were capable of no other remedies, than such as were prescribed by those physicians, who were practised in the disease. As soon as the intelligence was arrived at London, that the king actually had a guard, (though the circumstances were as well known that were used in the raising it,) both houses published these three votes, and dispersed them:

1. "That it appeared, that the king, seduced by "wicked counsel, intended to make war against "the parliament; who, in all their consultations "and actions, had proposed no other end unto "themselves, but the care of his kingdoms, and "the performance of all duty and loyalty to his "person.

2. "That whensoever the king maketh war "upon the parliament, it is a breach of the trust "reposed in him by his people; contrary to his "oath; and tending to the dissolution of the go-"vernment.

3. "That whosoever should serve him, or assist "him in such wars, are traitors by the funda-"mental laws of the kingdom; and have been so "adjudged by two acts of parliament, 2 Rich. II. "and 1 Hen. IV. and ought to suffer as traitors."

These lusty votes they sent to the king to York, together with a short petition, in which they told him,

"That his loyal subjects, the lords and commons "in parliament, did humbly represent unto his ma- "jesty, that notwithstanding his frequent profes- "sions to his parliament and the kingdom, that his "desire and intention was only the preserving the "true protestant profession, the laws of the land, "the liberty of his people, and the peace of the "kingdom; nevertheless, they perceived with great "grief, by his speech of the twelfth of May, and "the paper printed in his majesty's name, in the "form of a proclamation, bearing date the four- "teenth of May, and other evidences, that, under "colour of raising a guard to secure his person, of "which guard (considering the fidelity and care of "his parliament) there could be no use, his ma- "jesty did command troops, both of horse and "foot, to assemble at York; the very beginnings "whereof were apprehended by the inhabitants of "that county to be an affrightment and disturb- "ance of his liege people, as appeared by their "petition presented to him; the continuing and "increasing of which forces was to his parliament, "and must needs be, a just cause of great jealousy, "and danger to his whole kingdom.

"Therefore they did humbly beseech his majesty "to disband all such forces, as, by his command, "were assembled, and relying for his security (as "his predecessors had done) upon the laws, and "affections of his people, he would be pleased to "desist from any further designs of that nature, "contenting himself with his usual and ordinary

" guards; otherwise, they should hold themselves " bound in duty towards God, and the trust re- " posed in them by the people, and the funda- " mental laws and constitutions of the kingdom, to " employ their care and utmost power to secure the " parliament, and to preserve the peace and quiet " of the kingdom."

To this petition, delivered publicly, and read with an equal confidence, by their lieger committee, his majesty answered,

" That he could not but extremely wonder, that " the causeless jealousies concerning his majesty, " raised and fomented by a malignant party in the " kingdom, which desired nothing more than to " snatch to themselves particular advantages out of " a general combustion, (which means of advan- " tage was never ministered to them by his fault, or " seeking,) should not only be able to seduce a " weak party in the kingdom, but seem to find so " much countenance even from both houses, as " that his raising of a guard, without further de- " sign than for the safety of his person, an action " so legal, in a manner so peaceable, upon causes " so evident and necessary, should not only be " looked upon, and petitioned against by them, as " a cause of jealousy; but declared to be raising " of a war against them, contrary to his former " professions of his care of religion and law: and " he no less wondered, that that action of his " should be said to be apprehended by the inhabit- " ants of that county, as an affrightment and dis- " turbance to his people, having been as well " received there, as it was every where to be justi- " fied; and (he spake of the general, not of a few

" seduced particulars) assisted and sped by that " county with that loyal affection and alacrity, as " was a most excellent example, set to the rest of " the kingdom, of their care of his safety upon all " occasions; and should never be forgotten by " him, nor, he hoped, by his posterity; but should " be ever paid to them, in that, which is the " proper expression of a prince's gratitude, a per- " petual, vigilant care to govern them justly, and " to preserve the only rule, by which they can be " so governed, the law of the land: and, he said, " he was confident, that if they were themselves " eye-witnesses, they would so see the contrary, as " to give little present thanks, and, hereafter, little " credit to their informers; and, if they had no " better information and intelligence of the incli- " nations and affections of the rest of the kingdom, " certainly the minds of his people (which to some " ends and purposes they did represent) were but " ill represented unto them.

" He asked them, when they had so many " months together not contented themselves to " rely for security, as their predecessors had done, " upon the affection of the people, but by their " own single authority had raised to themselves a " guard, (and that sometimes of no ordinary num- " bers, and in no ordinary way,) and yet all those " pikes and protestations, that army, on one side, " and that navy, on the other, had not persuaded " his majesty [to command them] to disband their " forces, and to content themselves with their or- " dinary, that was, no guard; or work in him an " opinion, that they appeared to levy war against " him, or had any further design; how it was pos-

" sible, that the same persons should be so apt to
" suspect and condemn his majesty, who had been
" so unapt, in the same matter, upon much more
" ground, to tax or suspect them? This, he said,
" was his case, notwithstanding the care and fide-
" lity of his parliament: his fort was kept by
" armed men against him; his proper goods first
" detained from him, and then, contrary to his
" command, by strong hand offered to be carried
" away; in which, at once, all his property as a
" private person, all his authority as a king, was
" wrested from him: and yet for him to secure
" himself in a legal way, that sir John Hotham
" might not by the same forces, or by more, raised
" by pretence of the same authority, (for he daily
" raised some, and it was no new thing for him to
" pretend orders, which he could not shew,) con-
" tinue the war that he had levied against his
" majesty; and as well imprison his person, as
" detain his goods; and as well shut him up in
" York, as shut him out of Hull; was now said to
" be esteemed a cause of great jealousy to the par-
" liament, a raising war against them, and of dan-
" ger to the whole kingdom: whilst these injus-
" tices, and indignities offered to him, were coun-
" tenanced by them, who ought to be most forward
" in his vindication, and their punishment, in ob-
" servation of their oaths, and trust reposed in
" them by the people, and to avoid the dissolution
" of the present government. Upon which case,
" he said, the whole world was to judge, whether
" his majesty had not reason, not wholly to rely
" upon the care and fidelity of his parliament,

" being so strangely blinded by malignant spirits,
" as not to perceive his injuries; but to take some
" care of his own person, and, in order to that, to
" make use of that authority, which the laws de-
" clared to be in his majesty: and, whether that
" petition, with such a threatening conclusion, ac-
" companied with more threatening votes, gave
" him not cause, rather to increase, than to di-
" minish his guards; especially, since he had seen,
" before the petition, a printed paper, dated the
" seventeenth of May, underwritten by the clerk
" of the house of commons, commanding, in
" the name of both lords and commons, the
" sheriffs of all counties to raise the power of
" all those counties, to suppress such of his sub-
" jects, as, by any of his majesty's commands,
" should be drawn together, and put (as that paper
" called it) in a posture of war; charging all his
" majesty's officers and subjects to assist them in
" it, at their perils. For though, he said, he could
" not suspect, that that paper, or any bare votes,
" not grounded upon law or reason, or quotations
" of repealed statutes, as those were of the 2 Rich.
" II. and 1 Hen. IV. should have any ill influence
" upon his good people, who knew their duties too
" well not to know, that to take up arms against
" those, who, upon a legal command of his ma-
" jesty, came together to a most legal end, (that was,
" his majesty's security and preservation,) was to
" levy war against his majesty; yet, if that paper
" were really the act of both houses, he could not
" but look upon it as the highest of scorns and
" indignities; first, to issue commands of force

" against him; and, after those had appeared use-
" less, to offer, by petition, to persuade him to that,
" which that force should have effected.

" He said, he concluded his answer to their pe-
" tition with his counsel to them, that they would
" join with him in exacting satisfaction for that
" unparalleled, and yet unpunished, action of sir
" John Hotham; and that they would command
" his fort and goods to be returned to his own
" hands: that they would lay down all pretences
" (under pretence of necessity, or declaring what
" is law) to make laws without his majesty, and,
" by consequence, but a cipher of his majesty:
" that they would declare effectually against tu-
" mults, and call in such pamphlets, (punishing
" the authors and publishers of them,) as sedi-
" tiously endeavour to disable his majesty from pro-
" tecting his people, by weakening, by false asper-
" sions, and new false doctrines, his authority with
" them, and their confidence in him: the particu-
" lars of which tumults and pamphlets, he said, he
" would long since have taken care his learned
" council should have been enabled to give in evi-
" dence, if, upon his former offer, his majesty had
" received any return of encouragement from
" them in it: and, he said, if they did that, they
" would then, and hardly till then, persuade the
" world, that they had discharged their duty to
" God, the trust reposed in them by the people,
" and the fundamental laws and constitutions of
" the kingdom; and employed their care, and ut-
" most power, to secure the parliament, (for, he
" said, he was still a part of the parliament, and
" should be, till this well-tempered monarchy was

" turned to a democracy,) and to preserve the " peace and quiet of the kingdom; which, together " with the defence of the protestant religion, the " laws of the land, and his own just prerogative, " (as a part of, and a defence to, those laws,) had " been the main end, which, in his consultations " and actions, he had proposed to himself."

It will be wondered at hereafter, that in a judging and discerning state, where men had, or seemed to have, their faculties of reason and understanding at the height; in a kingdom then unapt, and generally uninclined to war, (how wantonly soever it hath since seemed to throw away its peace,) those men, who had the skill and cunning, out of froward and peevish humours and indispositions, to compound fears and jealousies, and to animate and inflame those fears and jealousies into the most prodigious and the boldest rebellion, that any age or country ever brought forth; who very well saw and felt, that the king had not only, to a degree, wound himself out of that labyrinth, in which, four months before, they had involved him, with their privileges, fears, and jealousies; but had even so well informed the people, that they began to question both their logic and their law, and to suspect and censure the improvement and gradation of their fears, and the extent and latitude of their privileges; and that they were not only denied by the king, what they required, but that the king's reasons of his denial made very many conclude the unreasonableness of their demands: I say, it may seem strange, that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, " that the king did intend to make

" war against the parliament;" when they were so far from apprehending, that he would be able to get an army to disturb them, that they were most assured, he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control; and that the offering to impose it did not awaken the people to an indignation, which might have confounded them: for, besides their presumption in endeavouring to search what the scripture itself told them was unsearchable, the heart of the king; the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consideration, even treason itself against the life of the king, without some overt, unlawful act, from whence, and other circumstances, the ill intention may be reasonably made appear; and therefore, to declare that the king intended to make war against his parliament, when he had neither ship, harbour, arms, nor money, and knew not how to get either, and when he offered to grant any thing to them, which they could pretend a justifiable reason for asking, was an undertaking of that nature, that even the almightiness of a parliament might have despaired to succeed in.

But, notwithstanding all this, they very well knew what they did, and understood what infinite advantage that vote would (as it did) bring to them; and that a natural way would never bring them to their unnatural end. The power and reputation of parliament, they believed, would implicitly prevail over many; and amaze and terrify others from disputing or censuring what they did, and upon what

grounds they did it. The difficulty was, to procure the judgment of parliament; and to incline those different constitutions, and different affections, to such a concurrence, as the judgment might not be discredited, by the number of the dissenters; nor wounded, or prejudged, by the reasons and arguments given against it: and then, their judgments of the cure being to be grounded upon the nature and information of the disease, it was necessary to confine and contract their fancies and opinions within some bounds and limits: the mystery of rebellion challenging the same encouragement with other sciences, to grow by; that there may be certain postulata, some principles and foundations, upon which the main building may subsist. So, in the case of the militia, an imminent danger must be first supposed, by which the kingdom is in an apparent danger, and then the king's refusal to apply any remedy against that danger, before the two houses would pretend to the power of disposing that militia; it being too ridiculous to have pretended the natural and ordinary jurisdiction over it: but, in case of danger, and danger so imminent, that the usual recourse would not serve the turn, and for the saving of a kingdom, which must otherwise be lost, many good men thought it was reasonable to apply a very extraordinary prevention, without imagining such a supposition might possibly engage them in any action, contrary to their own inclinations; and, without doubt, very many, who frankly voted that imminent necessity, were induced to it, as an argument, that the king should be therefore importuned to consent to the settlement; which would not have appeared so necessary

a request, if the occasion had not been important; never suspecting, that it would have proved an argument to them, to adventure the doing it without the king's consent. And it is not here unseasonable, (how merry soever it may seem to be,) as an instance of the incogitancy and inadvertency of those kind of votes and transactions, to remember, that the first resolution of the power of the militia being grounded upon a supposition of an imminent necessity, the ordinance first sent up from the commons to the lords, for the execution of the militia, expressed an *eminent* necessity; whereupon, some lords, who understood the difference of the words, and that an eminent necessity might be supplied by the ordinary provision, which, possibly, an *imminent* necessity might not safely attend, desired a conference with the commons for the amendment; which, I remember, was at last, with great difficulty, consented to: many (who, I presume, are not yet grown up to conceive the difference) supposing it an unnecessary contention for a word, and so yielding to them, for saving of time, rather than of the great moment of the thing.

They, who contrived this scene, never doubted that, after a resolution what was to be done upon a supposititious necessity, they should easily, when they found it convenient, make that necessity real. It was no hard matter to make the fearful, apprehensive of dangers; and the jealous, of designs; and they wanted not evidence of all kinds; [of] letters from abroad, and discoveries at home, to make those apprehensions formidable enough; and then, though, before the resolution, there was a great latitude in law and reason, what was lawfully

to be done, they had now forejudged themselves, and resolved of the proper remedy, except they would argue against the evidence; which usually would have been to discountenance or undervalue some person of notable reputation, or his correspondence; and always to have opposed that that was of such an allay, as, in truth, did operate upon the major part. So, in the case upon which we now discourse, if they had, in the most advantageous article of their fury, professed the raising an army against the king, there was yet that reverence to majesty, and that spirit of subjection and allegiance in most men, that they would have looked upon it with opposition and horror: but defensive arms were more plausible divinity, and if the king should commit such an outrage, as to levy war against his parliament, to destroy the religion, laws, and liberty of the kingdom, good men were persuaded, that such a resistance might be made, as might preserve the whole; and he that would have argued against this thesis, besides the impertinency of arguing against a supposition, that was not like to be real, and in which the corrupt consideration of safety seemed to bribe most men, could never escape the censure of promoting tyranny and lawless dominion. Then to incline men to concur in the declaration "of the king's intention to make war "against the parliament," they were persuaded it might have a good, could have no ill, effect: the remedies, that were to be applied upon an actual levying of war, were not justifiable upon the intention; and the declaring this intention, and the dangers it carried with it to the king himself, and to all those who should assist him, would be a probable

means of reforming such intention, and preventing the execution: inconvenience it could produce none, (for the disquieting or displeasing the king was not thought inconvenient,) if there were no progress in the supposed intention; if there were, it were fit the whole kingdom should stand upon its guard, and not be surprised to its confusion.

By these false and fallacious mediums, the clearness of men's understandings were dazzled; and, upon the matter, all their opinions, and judgments for the future, captivated and preengaged by their own votes and determinations. For, how easy a matter was it to make it appear to that man, who consented that the king intended to make war against the parliament, that when he should do it, he had broken his oath, and dissolved his government; and, that whosoever should assist him were traitors; I say, how easy was it to persuade that man, that he was obliged to defend the parliament; to endeavour to uphold that government; and to resist those traitors? and, whosoever considers that the nature of men, especially of men in authority, is inclined rather to commit two errors, than to retract one, will not marvel, that from this root of unadvisedness, so many and tall branches of mischief have proceeded. And therefore it were to be wished, that those, who have the honour to be trusted in public consultations, were endued with so much natural logic, to discern the consequences of every public act and conclusion; and with so much conscience and courage, to watch the first impressions upon [their] understanding and compliance: and, neither out of the impertinency of the thing, which men are too apt to conclude out of impa-

tiency of despatch; or out of stratagem to make men odious, (as in this parliament many forbore to oppose unreasonable resolutions, out of an opinion, that they would make the contrivers odious,) or upon any other (though seeming never so politic) considerations, [they] consent to any propositions, by which truth or justice are invaded. And I am confident, with very good warrant, that many men have, from their souls, abhorred every article of this rebellion; and heartily deprecated the miseries and desolation we have suffered by it, who have themselves, with great alacrity and some industry, contributed to, if not contrived, those very votes and conclusions, from whence the evils they abhor have most naturally and regularly flowed, and been deduced; and which they could not reasonably, upon their own concessions, contradict and oppose.

But to conclude, a man shall not unprofitably spend his contemplation, that, upon this occasion, considers the method of God's justice, (a method terribly remarkable in many passages, and upon many persons, which we shall be compelled to remember in this discourse,) that the same principles, and the same application of those principles, should be used to the wresting all sovereign power from the crown, which the crown had a little before made use of for the extending its authority and power beyond its bounds, to the prejudice of the just rights of the subject. A supposed necessity was then thought ground enough to create a power, and a bare averment of that necessity, to beget a practice to impose what tax they thought convenient upon the subject, by writs of ship-money

never before known; and a supposed necessity now, and a bare averment of that necessity, is as confidently, and more fatally, concluded a good ground to exclude the crown from the use of any power, by an ordinance never before heard of; and the same maxim of *salus populi suprema lex*, which had been used to the infringing the liberties of the one, made use of for the destroying the rights of the other: only that of the psalmist is yet inverted; for many of those, who were the principal makers of the first pit, are so far from falling into it, that they have been the chiefest diggers of the second ditch, in which so many have been confounded.

Though they had yet no real apprehension, that the king would be able, in the least degree, to raise a force against them, yet they were heartily enraged to find that he lived more like a king, than they wished he should; that there was so great resort to him from all parts; and that whereas, little more than two months before, his own servants durst hardly avow the waiting on him, now the chief gentlemen of all counties travelled to him, to tender their service; which implied a disapprobation, at least, if not a contempt of their carriage towards him. Therefore, to prevent this mischief, they easily found exception to, and information against, some persons, who had resorted to York; whom they sent the sergeant of the house of commons to apprehend, and bring them before the house as delinquents, to answer such matters as should be objected against them. In this number there was one Beckwith, a gentleman of Yorkshire, who, as sir John Hotham had

sent them word, had endeavoured to corrupt some officers of the garrison to deliver Hull up to the king; this they declared to be a very heinous crime, and little less than high treason; and therefore concluded him a delinquent, and to be sent for to attend them: it was thought strangely ridiculous by standers by, that sir John Hotham should be justified for keeping the town against the king, and another gentleman be voted a delinquent for designing to recover it to its allegiance; and that they, who, but few days before, when the king had sent a warrant to require sergeant-major Skippon to attend his majesty at York, resolved, and published their resolutions in print, (as they did all things, which they conceived might diminish the reputation of the king, or his authority,) "that "such command from his majesty was against the "law of the land, and the liberty of the subject, "and likewise (the person being employed by them "to attend their service) against the privilege of "parliament; and therefore, that their sergeant-"major-general of the forces of London (that was "his style) should continue to attend the service "of both houses according to their former com-"mands;" should expect that their warrant should be submitted to by those, who were waiting on the king, whose known legal authority, severed from any thing that might be understood to relate to the parliament, or its privileges, they had so flatly contradicted and contemned, that the same day on which they redeemed their officer Skippon from his allegiance, and duty of going to the king, being informed, that the king had sent a writ to adjourn the term (Midsummer term) to York from West-

minster, which was as much in his power legally to do as to make a knight, they declared, "that the "king's removing of the term to York from West-"minster, sitting the parliament, was illegal;" and ordered, "that the lord keeper should not issue "out any writs, or seal any proclamation, to that "purpose;" which was by him observed accordingly, notwithstanding the king's command for the adjournment.

When their officer came to York for the apprehension of the delinquents, he found the same neglect there of the parliament, as he found above of the king; and was so ill intreated by those, whom he looked upon as his prisoners, that, if the king's extraordinary provision had not been interposed, the messenger would scarce have returned to have reported how uncurrent such warrants were like to be in York, and how perilous such voyages might prove to the adventurers: but how amazed or surprised soever they seemed to be with this new contradiction, it was no more than they looked for; for their dilemma was, if their messenger returned with his prize, all the resort to, and all the glory of York was determined; for no man would repair thither, from whence the bare voting him a delinquent would remove him with those other inconvenient circumstances of censure and imprisonment: if he returned neglected and affronted, as they presumed he would, they had a new reproach for the king, "of protecting delin-"quents against the justice of parliament;" which would be a new breach of their privileges, as heinous and unpopular, as had yet been made, and

for the vindication whereof their protestation would no less oblige them, than it had done on the behalf of the five members. And such votes they passed upon the return of their officer; and had in readiness prepared two voluminous declarations to the people, which they published about the same time; in the one filled with all the reiterated complaints, and envenomed repetitions, of what had been done, or been thought to have been done amiss in the whole reign of the king, to render his person odious, or unacceptable; and in the other by undervaluing his royal power, and declaring against it, to make his authority despised, at least not feared.

The first was of the nineteenth of May, in which they declared,

"That the infinite mercy and providence of the "Almighty God had been abundantly manifested, "since the beginning of this parliament, in great "variety of protections and blessings; whereby he "had not only delivered them from many wicked "plots and designs, which, if they had taken effect, "would have brought ruin and destruction upon "the kingdom; but, out of those attempts, had "produced divers evident and remarkable ad-"vantages, to the furtherance of those services, "which they had been desirous to perform to their "sovereign lord the king, and to the church and "state, in providing for the public peace, and pro-"sperity of his majesty, and all his realms; which, "in the presence of the same all-seeing Deity, they "protested to have been, and still to be, the only "end of all their counsels and endeavours; wherein "they had resolved to continue freed and enlarged

" from all private aims, personal respects, or pas-
" sions whatsoever.

" In which resolution, they said, they were
" nothing discouraged, although the heads of the
" malignant party disappointed of their prey, the
" religion and liberty of the kingdom, which they
" were ready to seize upon and devour before the
" beginning of this parliament, had still persisted,
" by new practices, both of force and subtilty, to
" recover the same again; for which purpose they
" had made several attempts for bringing up the
" army; they afterwards projected the false accusa-
" tion of the lord Kimbolton, and the five mem-
" bers of the house of commons, which being in
" itself of an odious nature, they had yet so far
" prevailed with his majesty, as to procure him to
" take it upon himself; but when the unchangeable
" duty and faithfulness of the parliament could not
" be wrought upon, by such a fact as that, to with-
" draw any part of their reverence and obedience
" from his majesty, they had, with much art and
" industry, advised his majesty to suffer divers
" unjust scandals and imputations upon the parlia-
" ment, to be published in his name, whereby they
" might make it odious to the people, and, by their
" help, to destroy that, which hitherto had been
" the only means of their own preservation.

" For this purpose, they had drawn his majesty
" into the northern parts far from the parliament;
" that so false rumours might have time to get
" credit, and the just defences of the parliament
" find a more tedious, difficult, and disadvantageous
" access, after those false imputations and slanders
" had been first rooted in the apprehension of his

" majesty and his subjects; which the more speed-
" ily to effect, they had caused a press to be trans-
" ported to York, from whence several papers and
" writings of that kind were conveyed to all parts
" of the kingdom, without the authority of the
" great seal, in an unusual and illegal manner,
" and without the advice of his majesty's privy-
" council; from the greater and better part whereof
" having withdrawn himself, as well as from his
" great council of parliament, he was thereby ex-
" posed to the wicked and unfaithful counsels of
" such, as had made the wisdom and justice of the
" parliament dangerous to themselves; and that
" danger they laboured to prevent by hiding their
" own guilt under the name and shadow of the
" king; infusing into him their own fears, and, as
" much as in them lay, aspersing his royal person
" and honour with their own infamy; from both
" which it had always been as much the care, as it
" was the duty of the parliament to preserve his
" majesty, and to fix the guilt of all evil actions
" and counsels upon those who had been the authors
" of them.

" Amongst divers writings of that kind, they
" said, they, the lords and commons in parliament,
" had taken into their consideration two printed
" papers; the first containing a declaration, which
" they had received from his majesty, in answer to
" that which had been presented to his majesty
" from both houses at Newmarket, the ninth of
" March, 1641; the other, his majesty's answer
" to the petition of both houses, presented to his
" majesty the twenty-sixth of March, 1642. Both
" which were filled with harsh censures, and cause-

" less charges upon the parliament; concerning
" which they held it necessary to give satisfaction
" to the kingdom; seeing they found it very diffi-
" cult to satisfy his majesty, whom, to their great
" grief, they had found to be so engaged to, and
" possessed by those misapprehensions, which evil
" counsellors have wrought in him, that their most
" humble and faithful remonstrances had rather
" irritated and embittered, than any thing allayed,
" or mitigated, the sharp expressions, which his
" majesty had been pleased to make in answer to
" them; for the manifestation whereof, and of their
" own innocency, they desired that all his majesty's
" loving subjects might take notice of these
" particulars:

" They knew no occasion given by them, which
" might move his majesty to tell them, that in
" their declaration, presented at Newmarket, there
" were some expressions different from the usual
" language to princes: neither did they tell his
" majesty, either in words or in effect, that if he
" did not join with them in an act, which he con-
" ceived might prove prejudicial and dangerous to
" himself and the whole kingdom, they would make
" a law without him, and impose it upon the people.
" That which they desired, they said, was, that, in
" regard of the imminent danger of the kingdom,
" the militia, for the security of his majesty and his
" people, might be put under the command of such
" noble and faithful persons, as they had all cause
" to confide in: and such was the necessity of this
" preservation, that they declared, that, if his
" majesty should refuse to join with them therein,
" the two houses of parliament, being the supreme

" court, and highest council of the kingdom, were " enabled, by their own authority, to provide for " the repulsing of such imminent and evident dan- " ger, not by any new law of their own making, as " had been untruly suggested to his majesty, but " by the most ancient law of the kingdom, even " that which is fundamental and essential to the " constitution and subsistence of it.

" Although they never desired, they said, to " encourage his majesty to such replies as might " produce any contestation between him and his par- " liament, of which they never found better effect, " than loss of time, and hinderance of the public " affairs; yet they had been far from telling him of " how little value his words would be with them, " much less when they were accompanied with " actions of love and justice. They said, he had " more reason to find fault with those wicked " counsellors, who had so often bereaved him of " the honour, and his people of the fruit of many " gracious speeches, which he had made to them, " such as those in the end of the last parliament; " that, in the word of a king, and as he was a gen- " tleman, he would redress the grievances of his " people, as well out of parliament as in it. They " asked, if the searching the studies and chambers, " yea, the pockets of some, both of the nobility " and commons, the very next day; the commit- " ment of Mr. Bellasis, sir John Hotham, and Mr. " Crew; the continued oppressions by ship-money, " coat and conduct money; with the manifold im- " prisonments, and other vexations thereupon, " and other ensuing violations of the laws and " liberties of the kingdom, (all which were the

" effects of evil counsel, and abundantly declared in " their remonstrance of the state of the kingdom,) " [were] actions of love and justice, suitable to such " words as those?

" As gracious was his majesty's speech in the " beginning of this parliament; that he was re- " solved to put himself freely and clearly upon the " love and affection of his English subjects. They " asked whether his causeless complaints and jea- " lousies, the unjust imputations so often cast upon " his parliament, his denial of their necessary de- " fence by the ordinance of the militia, his dan- " gerous absenting himself from his great council, " like to produce such a mischievous division in the " kingdom, had not been more suitable to other " men's evil counsels, than to his own words? " Neither, they said, had his latter speeches been " better used, and preserved by those evil and " wicked counsellors. Could any words be fuller " of love and justice, than those in his answer to " the message sent to the house of commons, the " thirty-first of December, 1641: We do engage " unto you solemnly the word of a king, that the " security of all and every one of you from violence " is, and ever shall be, as much our care, as the pre- " servation of us, and our children? And could " any actions be fuller of injustice and violence, " than that of the attorney general, in falsely " accusing the six members of parliament, and the " other proceedings thereupon, within three or four " days after that message? For the full view " whereof, they desired the declaration made of " those proceedings might be perused; and by " those instances (they could add many more) the

" world might judge who deserved to be taxed " with disvaluing his majesty's words, they who " had, as much as in them lay, stained and sullied " them with such foul counsels; or the parliament, " who had ever manifested, with joy and delight, " their humble thankfulness for those gracious " words, and actions of love and justice, which had " been conformable thereunto.

" The king, they said, had been pleased to dis- " avow the having any such evil counsel or coun- " sellors, as were mentioned in their declaration, to " his knowledge; and they held it their duty hum- " bly to avow there were such; or else they must " say, that all the ill things done of late in his ma- " jesty's name had been done by himself; wherein " they should neither follow the direction of the " law, nor the affection of their own hearts, which " was, as much as might be, to clear his majesty " from all imputation of misgovernment, and to lay " the fault upon his ministers. The false accusing " of six members of parliament; the justifying Mr. " Attorney, in that false accusation; the violent " coming to the house of commons; the denial of " the militia; the sharp messages to both houses, " contrary to the customs of former kings; the " long and remote absence of his majesty from par- " liament; the heavy and wrongful taxes upon " both houses; the cherishing and countenancing " a discontented party in the kingdom against " them, were certainly the fruits of very evil " counsels, apt to put the kingdom into a com- " bustion, to hinder the supplies of Ireland, and to " countenance the proceedings and pretensions of " the rebels there: and the authors of these evil

" counsels, they conceived, must needs be known " to his majesty; and they hoped their labouring " with his majesty, to have those discovered, and " brought to a just censure, would not so much " wound his honour in the opinion of his good sub- " jects, as his labouring to preserve and conceal " them.

" And whereas his majesty had said, he could " wish that his own immediate actions, which he " avowed, and his own honour, might not be so " roughly censured under that common style of " evil counsellors; they said, that they could also " heartily wish that they had not cause to make " that style so common; but how often and undu- " tifully soever those wicked counsellors should fix " their dishonour upon the king, by making his " majesty the author of those evil actions, which " were the effects of their own evil counsels, they, " his majesty's loyal and dutiful subjects, could use " no other style, according to that maxim of the " law, *the king can do no wrong*; but if any ill " were committed in matter of state, the council; " if in matter of justice, the judges must answer " for it.

" They said, they had laid no charge upon his " majesty, which should put him upon that apology, " concerning his faithful and jealous affection of " the protestant profession: neither did his majesty " endeavour to clear those in greatest authority " about him, by whom they had said that design " had been potently carried on for divers years; " and they rather wished that the mercies of heaven, " than the judgments, might be manifested upon " them; but that there had been such, there were

" such plentiful and frequent evidences, that they " believed there was none, either protestant or " papist, who had had any reasonable view of the " passages of latter times, but, either in fear or " hope, did expect a sudden issue of that design.

" They said, they had no way transgressed " against the Act of Oblivion, by remembering the " intended war against Scotland, as a branch of " that design to alter religion by those wicked " counsels, from which God did then deliver them, " which they ought never to forget.

" That the rebellion in Ireland was framed and " cherished by the popish and malignant party in " England, was not only affirmed by the rebels, " but, they said, might be cleared by many other " proofs: the same rebellious principles of pre- " tended religion, the same politic ends were appa- " rent in both, and their malicious designs and " practices were masked and disguised with the " same false colour of their earnest zeal to vindi- " cate his majesty's prerogative, from the supposed " oppression of the parliament. How much those " treacherous pretences had been countenanced, by " some evil council about his majesty, might appear " in this, that the proclamation, whereby they were " declared traitors, was so long withheld, as to the " second of January, though the rebellion brake " forth in October before, and then no more than " forty copies appointed to be printed; with a " special command from his majesty not to exceed " that number; and that none of them should be " published, till his majesty's pleasure was further " signified, as by the warrant appears, a true copy " whereof was annexed to this declaration; so that

" a few only could take notice of it; which was " made more observable, by the late contrary pro- " ceedings against the Scots, who were in a very " quick and sharp manner proclaimed; and those " proclamations forthwith dispersed, with as much " diligence as might be, throughout all the king- " dom, and ordered to be read in all churches, " accompanied with public prayers and execrations. " Another evidence of favour and countenance to " the rebels in some of power about his majesty, " was this, that they had put forth, in his majesty's " name, a causeless complaint against the parlia- " ment, which speaks the same language of the " parliament which the rebels do, thereby to raise " a belief in men's minds, that his majesty's affec- " tions were alienated, as well as his person was " removed, from that his great council. All which, " they said, did exceedingly retard the supplies of " Ireland, and more advance the proceedings of " the rebels, than any jealousy or misapprehension " begotten in his subjects, by the declaration of " the rebels, injunction of Rosetti, or information " of Tristram Whetcomb; so that, considering the " present state and temper of both kingdoms, his " royal presence was far more necessary here, than " it could be in Ireland, for redemption or protec- " tion of his subjects there.

" And whether there were cause of his majesty's " great indignation, for being reproached to have " intended force or threatening to the parliament, " they desired them to consider who should read " their declaration, in which there was no word " tending to any such reproach; and certainly, " they said, they had been more tender of his ma-

" jesty's honour in that point, than he, whosoever " he was, that did write that declaration; where, " in his majesty's name, he did call God to witness, " he never had any such thought, or knew of any " such resolution of bringing up the army; which " truly, they said, would seem strange to those, " who should read the deposition of Mr. Goring, " information of Mr. Percy, and divers other ex- " aminations of Mr. Wilmot, Mr. Pollard, and " others; the other examination of Captain Leg, " sir Jacob Ashley, and sir John Conyers; and " consider the condition and nature of the petition, " which was sent unto sir Jacob Ashley, under the " approbation of C. R. which his majesty had now " acknowledged to be his own hand; and, being " full of scandal to the parliament, might have " proved dangerous to the whole kingdom, if the " army should have interposed betwixt the king " and them, as was desired.

" They did not affirm that his majesty's warrant " was granted for the passage of Mr. Jermyn, after " the desire of both houses for restraint of his ser- " vants; but only that he did pass over, after that " restraint, by virtue of such a warrant. They " knew the warrant bore date the day *before their* " desire; yet, they said, it seemed strange to those, " who knew how great respect and power Mr. " Jermyn had in court, that he should begin his " journey in such haste, and in apparel so unfit for " travel, as a black satin suit, and white boots, if " his going away was designed the day before.

" The accusation of the lord Kimbolton, and the " five members of the house of commons, was " called a breach of privilege; and truly so it was,

" and a very high one, far above any satisfaction " that had been yet given: for, they asked, how it " could be said to be largely satisfied, so long as " his majesty laboured to preserve Mr. Attorney " from punishment, who was the visible actor in it? " So long as his majesty had not only justified " him, but by his letter declared, that it was his " duty to accuse them, and that he would have " punished him, if he had not done it? So long as " those members had not the means of clearing " their innocency, and the authors of that mali- " cious charge undiscovered, though both houses " of parliament had several times petitioned his " majesty to discover them, and that, not only upon " grounds of common justice, but by act of parlia- " ment, his majesty was bound to do it? So long " as the king refused to pass a bill for their dis- " charge, alleging that the narrative in that bill " was against his honour; whereby he seemed still " to avow the matter of that false and scandalous " accusation, though he deserted the prosecution, " offering to pass a bill for their acquittal; yet " with intimation that they must desert the avow- " ing their own innocency, which would more " wound them in honour, than secure them in law? " And in vindication of that great privilege of par- " liament, they did not know that they had in- " vaded any privilege belonging to his majesty, as " had been alleged in that declaration.

" But, they said, they looked not upon that only " in the notion of a breach of privilege, which " might be, though the accusation were true or " false; but under the notion of a heinous crime " in the attorney, and all other subjects, who had

" a hand in it; a crime against the law of nature,
" against the rules of justice; that innocent men
" should be charged with so great an offence as
" treason, in the face of the highest judicatory of
" the kingdom, whereby their lives and estates,
" their blood and honour, were endangered, with-
" out witness, without evidence, without all possi-
" bility of reparation in a legal course; yet a crime
" of such a nature, that his majesty's command can
" no more warrant, than it can any other act of
" injustice. These things, which were evil in their
" own nature, such as a false testimony, or false
" accusation, could not be the subject of any com-
" mand, or induce any obligation of obedience upon
" any man, by any authority whatsoever: therefore
" the attorney, in that case, was bound to have
" refused to execute such a command, unless he
" had some such evidence or testimony, as might
" have warranted him against the parties, and be
" liable to make satisfaction, if it should prove
" false; and it was sufficiently known to every
" man, and adjudged in parliament, that the king
" could be neither the relater, informer, or witness.
" If it should rest as it was, without further satis-
" faction, no future parliament could be safe, but
" that the members might be taken, and destroyed
" at pleasure; yea the very principles of govern-
" ment and justice would be in danger to be dis-
" solved.

" They said, they did not conceive, that numbers
" did make an assembly unlawful, but when either
" the end, or manner of their carriage should be
" unlawful. Divers just occasions might draw the
" citizens to Westminster; where many public and

" private petitions, and other causes, were depend-
" ing in parliament; and why that should be found
" more faulty in the citizens, than the resort every
" day in the term of great numbers to the ordinary
" courts of justice, they knew not: that those citi-
" zens were notoriously provoked, and assaulted at
" Westminster by colonel Lunsford, captain Hyde,
" and others, and by some of the servants of the
" archbishop of York, was sufficiently proved; and
" that afterwards they were more violently wounded,
" and most barbarously mangled with swords, by
" the officers and soldiers near Whitehall, many of
" them being without weapons, and giving no cause
" of distaste, was likewise proved by several testi-
" monies; but of any scandalous or seditious mis-
" demeanours of theirs, that might give his majesty
" good cause to suppose his own person, or those
" of his royal consort or children, to be in apparent
" danger, they had no proof ever offered to either
" house; and if there had been any complaint of
" that kind, it was no doubt the houses would have
" been as forward to join in an order, for the sup-
" pressing of such tumults, as they were, not long
" before, upon another occasion, when they made
" an order to that purpose; whereas those officers
" and soldiers, which committed that violence upon
" so many of the citizens at Whitehall, were che-
" rished and fostered in his majesty's house; and
" when, not long after, the common council of
" London presented a petition to his majesty for
" reparation of those injuries, his majesty's answer
" was, without hearing the proof of the complain-
" ants, that if any citizen were wounded, or ill
" entreated, his majesty was confidently assured,

" that it happened by their own evil and corrupt " demeanours.

" They said, they hoped, it could not be thought " contrary to the duty and wisdom of a parliament, " if many concurring, and frequently reiterated and " renewed advertisements from Rome, Venice, " Paris, and other parts, if the solicitations of the " pope's nuncio, and their own discontented fugi- " tives, did make them jealous and watchful for " the safety of the state: and they had been very " careful to make their expressions thereof so easy, " and so plain to the capacity and understanding " of the people, that nothing might justly stick " with them, with reflection upon the person of his " majesty: wherein they appealed to the judgment " of any indifferent person, who should read and " peruse their own words.

" They said, they must maintain the ground of " their fears to be of that moment, that they could " not discharge the trust and duty that lay upon " them, unless they did apply themselves to the use " of those means, to which the law had enabled " them in cases of that nature, for the necessary " defence of the kingdom; and as his majesty did " graciously declare, that the law should be the " measure of his power; so did they most heartily " profess, that they should always make it the rule " of their obedience. Then they observed, that there " were certain prudent omissions in his majesty's " answer; and said, that the next point of their " declaration was, with much caution, artificially " passed over by him who drew his majesty's " answer; it being indeed the foundation of all " their misery, and his majesty's trouble, that he

" was pleased to hear general taxes upon his par-
" liament, without any particular charge, to which
" they might give satisfaction; and that he had
" often conceived displeasure against particular
" persons, upon misinformation; and although
" those informations had been clearly proved to be
" false, yet he would never bring the accusers to
" question; which did lay an impossibility upon
" honest men of clearing themselves, and gave an
" encouragement to false and unworthy persons
" to trouble him with untrue and groundless in-
" formations. Three particulars they had men-
" tioned in their declaration, which the penner of
" his majesty's answer had good cause to omit:
" the words supposed to be spoken at Kensington;
" the pretended articles against the queen; and the
" groundless accusation of the six members of the
" parliament; there being nothing to be said in
" defence, or denial of any of them.

" Concerning his majesty's desire to join with
" his parliament, and with his faithful subjects, in
" defence of religion, and public good of the king-
" dom, they said, they doubted not he would do it
" fully, when evil counsellors should be removed
" from about him; and until that should be, as
" they had shewed before of words, so must they
" also say of laws, that they could not secure them:
" witness the Petition of Right, which had been
" followed with such an inundation of illegal taxes,
" that they had just cause to think, that the pay-
" ment of eight hundred and twenty thousand
" pounds, was an easy burden to the commonwealth
" in exchange of them; and they could not but

" justly think, that if there were a continuance of " such ill counsellors, and favour to them, they " would, by some wicked device or other, make " the bill for the triennial parliament, and those " other excellent laws mentioned in his majesty's " declaration, of less value than words. That ex- " cellent bill for the continuance of this parliament, " they said, was so necessary, that without it they " could not have raised so great sums of money " for the service of his majesty and the common- " wealth, as they had done, and without which the " ruin and destruction of the kingdom must needs " have followed: and, they were resolved, the " gracious favour of his majesty, expressed in that " bill, and the advantage and security which thereby " they had from being dissolved, should not encou- " rage them to do any thing, which otherwise had " not been fit to have been done. And they were " ready to make it good before all the world, that " although his majesty had passed many bills very " advantageous for the subject, yet in none of " them had they bereaved his majesty of any just, " necessary, or profitable prerogative of the crown.

" They said, they so earnestly desired his ma- " jesty's return to London, that upon it, they con- " ceived, depended the very safety and being of " both his kingdoms: and therefore they must " protest, that, as for the time past, neither the " government of London, nor any laws of the land, " had lost their life and force for his security, so " for the future they should be ready to do or say " any thing, that might stand with the duty or " honour of a parliament, which might raise a

" mutual confidence between his majesty and them,
" as they did wish, and as the affairs of the kingdom
" did require.

" Thus far, they said, the answer to that, which
" was called his majesty's declaration, had led
" them. Now they came to that, which was
" entitled his majesty's answer to the petition of
" both houses, presented to him at York, the
" twenty-sixth of March, 1642. In the beginning
" whereof, his majesty wished, that their privileges
" on all parts were so stated, that that way of
" correspondency might be preserved with that
" freedom, which had been used of old. They said,
" they knew nothing introduced by them, that
" gave any impediment thereunto; neither had
" they affirmed their privileges to be broken, when
" his majesty denied them any thing, or gave a
" reason why he could not grant it; or that those,
" who advised such denial, were enemies to the
" peace of the kingdom, and favourers of the Irish
" rebellion; in which aspersion, that was turned to
" a general assertion, which, in their votes, was
" applied to a particular case; wherefore they must
" maintain their votes, that those who advised his
" majesty to contradict that, which both houses,
" in the question concerning the militia, had de-
" clared to be law, and command it should not be
" obeyed, is a high breach of privilege, and that
" those, who advised his majesty to absent himself
" from his parliament, were enemies to the peace
" of the kingdom, and justly to be suspected to be
" favourers of the rebellion in Ireland. The rea-
" sons of both were evident, because in the first
" there was as great a derogation from the trust

" and authority of parliament; and, in the second, " as much advantage to the proceedings and hopes " of the rebels, as might be; and they held it a " very causeless imputation upon the parliament, " that they had therein any way impeached, much " less taken away the freedom of his majesty's " vote; which did not import a liberty in his ma- " jesty, to deny any thing how necessary soever " for the preservation of the kingdom, much less a " license to evil counsellors, to advise any thing, " though never so destructive to his majesty and " his people.

" By the message of the twentieth of January, " his majesty had propounded to both houses of " parliament, that they would, with all speed, fall " into a serious consideration of all those particulars " which they thought necessary, as well for the " upholding and maintaining of his majesty's just " and regal authority, and for the settling his " revenue, as for the present and future establishing " their privileges; the free and quiet enjoying " their estates; the liberties of their persons; the " security of the true religion, professed in the " church of England; and the settling of cere- " monies, in such a manner, as might take away " all just offence, and to digest it into one entire " body.

" To that point of upholding and maintaining " his royal authority, they said, nothing had been " done to the prejudice of it, that should require " any new provision: to the other of settling the " revenue, the parliament had no way abridged or " disordered his just revenue; but it was true, " that much waste and confusion of his majesty's

" estate had been made by those evil and unfaith-
" ful ministers, whom he had employed in the
" managing of it; whereby his own ordinary ex-
" penses would have been disappointed, and the
" safety of the kingdom more endangered, if the
" parliament had not, in some measure, provided
" for his household, and for some of the forts,
" more than they were bound to do; and they
" were still willing to settle such a revenue upon
" his majesty, as might make him live royally,
" plentifully, and safely; but they could not, in
" wisdom and fidelity to the commonwealth, do
" that, till he should choose such counsellors
" and officers, as might order and dispose it to
" the public good, and not apply it to the ruin
" and destruction of his people, as heretofore it
" had been. But that, and the other matters con-
" cerning themselves, being works of great im-
" portance, and full of intricacy, would require so
" long a time of deliberation, that the kingdom
" might be ruined before they could effect them:
" therefore they thought it necessary, first to be
" suitors to his majesty, so to order the militia,
" that, the kingdom being secured, they might,
" with more ease and safety, apply themselves to
" debate of that message, wherein they had been
" interrupted, by his majesty's denial of the ordi-
" nance concerning the same; because it would have
" been in vain for them to labour in other things,
" and in the mean time to leave themselves naked
" to the malice of so many enemies, both at home
" and abroad; yet they had not been altogether
" negligent of those things, which his majesty had
" been pleased to propound in that message: they

" had agreed upon a book of rates in a larger pro-
" portion, than had been granted to any of his
" majesty's predecessors, which was a considerable
" support of his majesty's public charge; and had
" likewise prepared divers propositions, and bills,
" for preservation of their religion and liberties,
" which they intended shortly to present to his
" majesty; and to do whatsoever was fit for them,
" to make up that unpleasant breach between his
" majesty and the parliament.

" Whereas divers exceptions had been taken
" concerning the militia; first, that his majesty
" never denied the thing, but accepted the persons,
" (except for corporations,) only that he denied
" the way; to which they answered, that that ex-
" ception took off London, and all other great
" towns and cities, which makes a great part of
" the kingdom; and for the way of ordinance, it
" is ancient, more speedy, more easily alterable,
" and, in all these and other respects, more proper,
" and more applicable to the present occasion,
" than a bill; which his majesty called the good
" old way of imposing upon the subjects. It
" should seem, that neither his majesty's royal
" predecessors, nor their ancestors, had heretofore
" been of that opinion; 37 Edw. III. they said,
" they found this record: The chancellor made
" declaration of the challenge of the parliament;
" the king desires to know the griefs of his sub-
" jects, and to redress enormities. The last day
" of the parliament, the king demanded of the
" whole estates, whether they would have such
" things as they agreed on, by way of ordinance,
" or statute? who answered, by way of ordinance,

" for that they might amend the same at their " pleasures; and so it was.

" But his majesty objected further, that there " was somewhat in the preface, to which he could " not consent with justice to his honour and inno- " cence; and that thereby he was excluded from " any power in the disposing of it. These objec- " tions, they said, might seem somewhat, but in- " deed would appear nothing, when it should be " considered, that nothing in the preamble laid any " charge upon his majesty, or in the body of the " ordinance, that excludes his royal authority in " the disposing or execution of it: but only it " was provided, that it should be signified by both " houses of parliament, as that channel, through " which it would be best derived, and most cer- " tainly to those ends for which it was intended; " and let all the world judge whether they had not " reason to insist upon it, that the strength of the " kingdom should rather be ordered according to " the advice or direction of the great council of the " land, intrusted by the king, and by the kingdom, " than that the safety of the king, parliament, and " kingdom, should be left at the devotion of a few " unknown counsellors, many of them not in- " trusted at all by the king in any public way, nor " at all confided in by the kingdom.

" They wished the danger were not imminent, or " not still continuing, but could not conceive, that " the long time spent in that debate was evidence " sufficient, that there was no such necessity or " danger, but a bill might easily have been pre- " pared; for, when many causes do concur to " the danger of a state, the interruption of any

" one might hinder the execution of the rest, " and yet the design be still kept on foot, for " better opportunities. Who knew, whether the " ill success of the rebels in Ireland had not hin- " dered the insurrection of the papists here? " Whether the preservation of the six members " of the parliament, falsely accused, had not pre- " vented that plot of the breaking the neck of this " parliament, of which they were informed from " France, not long before they were accused; yet " since his majesty had been pleased to express " his pleasure rather for a bill, than an ordinance, " and that he sent in one for that purpose, they " readily entertained it; and, with some small and " necessary alterations, speedily passed the same. " But contrary to the custom of parliament, and " their expectation, grounded upon his majesty's " own invitation of them to that way, and the " other reasons manifested in their declaration con- " cerning the militia, of the fifth of May, instead " of the royal assent, they met with an absolute " refusal.

" For their votes of the fifteenth and sixteenth " of March, they said, if the matter of those votes " were according to law, they hoped his majesty " would allow the subjects to be bound by them, " because he had said, he would make the law " the rule of his power; and if the question were, " whether that were law, which the lords and com- " mons had once declared to be so, who should " be the judge? Not his majesty; for the king " judgeth not of matters of law, but by his courts; " and his courts, though sitting by his authority, " expected not his assent in matters of law: not

" any other courts; for they could not judge in " that case, because they were inferior, no appeal " lying to them from parliament, the judgment " whereof is, in the eye of the law, the king's " judgment in his highest court, though the king " in his person be neither present, nor assenting " thereunto.

" *The votes at which his majesty took exception were these:*

1. " That the king's absence so far remote from " his parliament, was not only an obstruction, but " might prove a destruction to the affairs of Ire- " land.

2. " That when the lords and commons shall " declare what the law of the land is, to have this " not only questioned and controverted, but con- " tradicted, and a command that it should not be " obeyed, was a high breach of the privilege of " parliament.

3. " That those persons, who advised his ma- " jesty to absent himself from the parliament, are " enemies to the peace of the kingdom, and justly " may be suspected to be favourers of the rebellion " in Ireland.

4. " That the kingdom had been of late, and " still was, in so eminent danger, both from ene- " mies abroad, and a popish and discontented party " at home, that there was an urgent and inevitable " necessity of putting his majesty's subjects into a " posture of defence, for the safeguard both of his " majesty and his people.

5. " That the lords and commons, fully appre- " hending this danger, and being sensible of their

" own duty, to provide a suitable prevention, had, " in several petitions, addressed themselves to his " majesty, for the ordering and disposing the mi- " litia of the kingdom in such a way, as was agreed, " by the wisdom of both houses, to be most effec- " tual, and proper for the present exigence of the " kingdom, yet could not obtain it; but his majesty " did, several times, refuse to give his royal assent " thereunto.

6. " That, in this case of extreme danger, and " his majesty's refusal, the ordinance of parliament, " agreed upon by both houses, for the militia, doth " oblige the people, and ought to be obeyed, by the " fundamental laws of this kingdom.

" By all which, they said, it did appear, that there " had been no colour of that tax, that they went " about to introduce a new law, much less to exer- " cise an arbitrary power, but indeed to prevent " it: for this law was as old as the kingdom; that " the kingdom must not be without a means to pre- " serve itself; which that it might be done with- " out confusion, this nation had intrusted certain " hands with a power to provide, in an orderly and " regular way, for the good and safety of the whole; " which power, by the constitution of the king- " dom, was in his majesty, and in his parliament " together: yet since the prince, being but one " person, is more subject to accidents of nature " and chance, whereby the commonwealth may be " deprived of the fruit of that trust, which was, in " part, reposed in him; in cases of such necessity, " that the kingdom may not be enforced presently " to return to its first principles, and every man

" left to do what is right in his own eyes, without " either guide or rule; the wisdom of this state " hath intrusted the houses of parliament with a " power to supply what should be wanting on the " part of the prince, as is evident by the constant " custom and practice thereof, in cases of nonage, " natural disability, and captivity; and the like " reason doth and must hold for the exercise of " the same power in such cases, where the royal " trust cannot be, or is not discharged, and that " the kingdom runs an evident and imminent " danger thereby; which danger having been de- " clared by the lords and commons in parliament, " there needs not the authority of any person or " court to affirm, nor is it in the power of any " person or court to revoke that judgment.

" They said, they knew the king had ways " enough, in his ordinary courts of justice, to " punish such seditious pamphlets and sermons, as " were any ways prejudicial to his rights, honour, " and authority; and if any of them had been so " insolently violated and vilified, his majesty's own " council and officers had been to blame, and not " the parliament: they never had restrained any " proceedings of that kind in other courts, nor re- " fused any fit complaint to them. The Protesta- " tion Protested had been referred by the commons' " house to a committee, and, the author being not " produced, the printer committed to prison, and " the book voted by that committee to be burned; " but sir Edward Deering, who was to make that " report of the votes of that committee, neglected " to make it. The Apprentices' Protestation was " never complained of: but the other seditious

" pamphlet, *To your tents, O Israel,* was once " questioned, and the full prosecution of it was " not interrupted by any fault of either house, " whose forwardness to do his majesty all right " therein might plainly appear, in that a committee " of lords and commons was purposely appointed, " to take such informations as the king's council " should present concerning seditious words, prac- " tices, or tumults, pamphlets or sermons, tending " to the derogation of his majesty's rights or pre- " rogative, and his council had been enjoined by " that committee, to inquire and present them; " who several times met thereupon, and received " this answer and declaration from the king's " council, that they knew of no such thing as yet.

" They said, if his majesty had used the service " of such a one in penning that answer, who un- " derstood the laws and government of this king- " dom, he would not have thought it legally in his " power to deny his parliament a guard, when " they stood in need of it; since every ordinary " court hath it: neither would his majesty, if he " had been well informed of the laws, have re- " fused such a guard as they desired, it being in " the power of inferior courts to command their " own guard; neither would he have imposed " upon them such a guard, under a commander " which they could not have confided in; which is " clearly against the privileges of parliament, and " of which they found very dangerous effects; and " therefore desired to have it discharged; but " such a guard, and so commanded, as the houses " of parliament desired, they could never obtain of " his majesty; and the placing a guard about them,

" contrary to their desire, was not to grant a " guard to them, but in effect to set one upon " them: all which considered, they believed, in " the judgment of any indifferent persons, it would " not be thought strange, if there were a more " than ordinary resort of people at Westminster, " of such as came willingly, of their own accord, " to be witnesses and helpers of the safety of " them, whom all his majesty's good subjects are " bound to defend from violence and danger; or " that such a concourse as that (they carrying " themselves quietly and peaceably, as they did) " ought in his majesty's apprehension, or could, " in the interpretation of the law, be held tu- " multuary and seditious.

" They said, when his majesty, in that question " of violation of the laws, had expressed the obser- " vation of them indefinitely, without any limita- " tion of time, although they never said, or thought " any thing, that might look like a reproach to his " majesty, yet they had reason to remember that " it had been otherwise, lest they should seem to " desert their former complaints, and proceedings " thereupon, as his majesty did seem but little to " like or approve of them: for though he did ac- " knowledge here that great mischief, that grew " by that arbitrary power then complained of; yet " such were continually preferred and countenanced, " as were friends or favourers, or related unto the " chief authors and actors of that arbitrary power, " and of those false colours, and suggestions of " imminent danger and necessity, whereby they did " make it plausible unto his majesty: and, on the " other side, such as did appear against them were

" daily discountenanced and disgraced: which whilst " it should be so, they had no reason to believe the " disease to be yet killed, and dead at root, and " therefore no reason to bury it in oblivion; and, " whilst they beheld the spawns of those mischiev- " ous principles cherished and fostered in that " new generation of counsellors, friends, and abet- " tors of the former, or at least concurring with " them in their malignancy against the proceed- " ings of this parliament, they could not think " themselves secure from the like, or a worse " danger.

" They observed, the penner of his majesty's " answer bestowed here an admonition upon the " parliament, bidding them take heed they fell not " upon the same error, upon the same suggestions; " but, they said, he might well have spared that, " till he could have shewed wherein they had exer- " cised any power, otherwise than by the rule of " the law; or could have found a more authentic, " or a higher judge in matters of law, than the " high court of parliament.

" It was declared, in his majesty's name, that " he resolved to keep the rule himself, and, to his " power, to require the same of all others. They " said, they must needs acknowledge, that such a " resolution was like to bring much happiness and " blessing to his majesty, and all his kingdoms; " yet, with humility, they must confess, they had " not the fruit of it in that case of the lord Kim- " bolton, and the other five members, accused con- " trary to law, both common law and the statute " law; and yet remained unsatisfied: which case " had been remembered, in their declaration, as a

" strange and unheard of violation of their laws: " but the penner of that answer thought fit to " pass it over, hoping that many would read " his majesty's answer, which had been so care- " fully dispersed, who would not read their de- " claration.

" Whereas, after their ample thanks and ac- " knowledgment of his majesty's favour in passing " many good bills, they had said, that truth and " necessity enforced them to add this, that in or " about the time of passing those bills, some design " or other had been on foot, which, if it had taken " effect, would not only have deprived them of the " fruit of those bills, but would have reduced them " to a worse condition of confusion, than that " wherein the parliament found them: it was now " told them, that the king must be most sensible " of what they cast upon him, for requital of those " good bills; whereas, out of their usual tender- " ness of his majesty's honour, they did not men- " tion him at all; but so injurious, they said, were " those wicked counsellors to the name and honour " of their master and sovereign, that, as much as " they could, they laid their own infamy and guilt " upon his shoulders.

" Here, they observed, God also was called to wit- " ness his majesty's upright intentions at the passing " of those laws; which, they said, they would not " question, neither did they give any occasion of " such a solemn asseveration as that was; the Devil " was likewise defied to prove there was any design, " with his majesty's knowledge or privity. That " might well have been spared; for they spake

" nothing of his majesty: but since they were so
" far taxed, as to have it affirmed, that they had
" laid a false and notorious imputation upon his
" majesty, they thought it necessary, for the just
" defence of their own innocency, to cause the
" oaths and examinations, which had been taken,
" concerning the design, to be published in a full
" narration, for satisfaction of all his majesty's
" subjects; out of which they would now offer some
" few particulars, whereby the world might judge,
" whether they could proceed with more tender-
" ness towards his majesty, than they had done.
" Mr. Goring confessed, that the king first asked
" him, whether he were engaged in any cabal
" concerning the army? and commanded him to
" join with Mr. Percy, and Mr. Jermyn, and some
" others whom they should find at Mr. Percy's
" chamber; where they took the oath of secrecy,
" and then debated of a design proposed by Mr.
" Jermyn, to secure the Tower, and to consider of
" bringing up the army to London: and captain
" Leg confessed, he had received the draught of a
" petition, in the king's presence; and his majesty
" acknowledgeth, it was from his own hand: and
" whosoever reads the sum of that petition, as
" it was proved by the testimony of sir Jacob
" Ashley, sir John Conyers, and captain Leg, will
" easily perceive some points in it, apt to beget in
" them some discontents against the parliament.
" And could any man believe there was no design
" in the accusation of the lord Kimbolton, and the
" rest, in which his majesty doth avow himself to
" be both a commander and an actor? These
" things being so, it would easily appear to be as

" much against the rules of prudence, that the " penner of that answer should entangle his " majesty in that unnecessary apology, as it was " against the rules of justice, that any reparation " from them should be either yielded or demanded.

" It was professed, in his majesty's name, that " he is truly sensible of the burdens of his people; " which made them hope that he would take that " course, which would be most effectual to ease " them of those burdens; that was, to join with his " parliament in preserving the peace of the king- " dom, which, by his absence from them, had been " much endangered; and which, by hindering the " voluntary adventures for the recovery of Ireland, " and disabling the subjects to discharge the great " tax imposed on them, was like to make the war " much more heavy to the kingdom. And for his " majesty's wants, the parliament had been no " cause of them; they had not diminished his just " revenue, but had much eased his public charge, " and somewhat his private; and they should be " ready, in a parliamentary way, to settle his reve- " nue in such an honourable proportion, as might " be answerable to both, when he should put him- " self into such a posture of government, that " his subjects might be secure to enjoy his " just protection for their religion, laws, and " liberties.

" They said, they never refused his majesty's " gracious offer, of a free and general pardon; " only they said, it could be no security to their " present fears and jealousies: and they gave a " reason for it; that those fears did not arise out " of any guilt of their own actions, but out of the

" evil designs and attempts of others; and they " left the world to judge, whether they therein had " deserved so heavy a tax and exclamation? (That " it was a strange world, when princes' proffered " favours were counted reproaches: such were the " words of his majesty's answer,) who did esteem " that offer as an act of princely grace and bounty, " which, since the parliament began, they had " humbly desired they might obtain, and did still " hold it very necessary and advantageous for the " generality of the subject, upon whom the taxes " and subsidies lie heaviest: but, they said, they " saw, upon every occasion, how unhappy they " were in his majesty's misapprehensions of their " words and actions.

" They said, they were fully of the king's mind, " as it was there declared, that he might rest so " secure of the affections of his subjects, that he " should not stand in need of foreign force to pre- " serve him from oppression; and were confident, " that he should never want an abundant evidence " of the good wishes and assistance of his whole " kingdom; especially if he would be pleased to " hold to that gracious resolution of building upon " that sure foundation, the law of the land: but " why his majesty should take it ill, that they, " having received informations so deeply concerning " the safety of the kingdom, and should think " them fit to be considered of, they could not con- " ceive; for although the name of the person was " unknown, yet that which was more substantial to " the probability of the report was known, that is, " that he was servant to the lord Digby; who, in " his presumptuous letter to the queen's majesty,

" and other letters to sir Lewis Dives, had intimated " some wicked proposition, suitable to that inform- " ation; but that this should require reparation, " they held it as far from justice, as it was from " truth, that they had mixed any malice with those " rumours, thereby to feed the fears and jealousies " of the people.

" It was affirmed, that his majesty was driven " from them, but not by them; yet perchance, they " said, hereafter, if there should be opportunity of " gaining more credit, there would not be wanting " who would suggest unto his majesty, that it was " done by them: and if his majesty were driven " from them, they hoped it was not by his own " fears, but by the fears of the lord Digby, and his " retinue of cavaliers; and that no fears of any " tumultuary violence, but of their just punishment " for their manifold insolence; and intended violence " against the parliament: and this was expressed " by the lord Digby himself, when he told those " cavaliers, that the principal cause of his majesty's " going out of town, was to save them from being " trampled in the dirt: but of his majesty's person " there was no cause of fear; in the greatest heat " of the people's indignation, after the accusation, " and his majesty's violent coming to the house, " there was no show of any evil intention against " his regal person; of which there could be no " better evidence than this, that he came the next " day without a guard into the city, where he heard " nothing but prayers and petitions, no threaten- " ings, or irreverent speeches, that might give him " any just occasions of fear, that they had heard " of, or that his majesty expressed; for he staid

" near a week after at Whitehall, in a secure and
" peaceable condition: whereby they were induced
" to believe, that there was no difficulty, or doubt
" at all, but his majesty's residence near London
" might be as safe, as in any part of the kingdom.
" They said, they were most assured of the faith-
" fulness of the city and suburbs; and for them-
" selves, they should quicken the vigour of the
" laws, the industry of the magistrate, the authority
" of parliament, for the suppressing of all tumult-
" uary insolencies whatsoever, and for the vindi-
" cating of his honour from all insupportable and
" insolent scandals, if any such shall be found to
" be raised upon him, as were mentioned in that
" answer: and therefore they thought it altogether
" unnecessary, and exceeding inconvenient, to ad-
" journ the parliament to any other place.

" Where the desire of a good understanding
" betwixt the king and the parliament was on both
" sides so earnest, as was there professed by his
" majesty to be in him, and they had sufficiently
" testified to be in themselves, it seemed strange
" they should be, they said, so long asunder; it
" could be nothing else but evil and malicious
" counsel misrepresenting their carriage to his ma-
" jesty, and in disposing his favour to them. And
" as it should be far from them to take any advan-
" tage of his majesty's supposed straits, as to de-
" sire, much less to compel him to that, which his
" honour or interest might render unpleasant, or
" grievous to him; so, they hoped, his majesty
" would not make his own understanding or reason
" the rule of his government; but would suffer
" himself to be assisted with a wise and prudent

" council, that might deal faithfully betwixt him and " his people: and that he would remember, that his " resolutions did concern kingdoms; and therefore " ought not to be moulded by his own, much less " by any other private person, which was not alike " proportionable to so great a trust: and therefore " they still desired and hoped, that his majesty " would not be guided by his own understanding, " or to think those courses, straits and necessities, " to which he should be advised by the wisdom of " both houses of parliament, which are the eyes in " this politic body, whereby his majesty was, by " the constitution of the kingdom, to discern the " differences of those things, which concern the " public peace and safety thereof.

" They said, they had given his majesty no cause " to say, that they did meanly value the discharge " of his public duty; whatsoever acts of grace or " justice had been done, they proceeded from his " majesty by the advice and counsel of his parlia- " ment, yet they had and should always answer " them with constant gratitude, obedience, and " affection; and although many things had been " done, since this parliament, of another nature, " yet they should not cease to desire the continued " protection of Almighty God upon his majesty, " and most humbly petition him to cast from him " all those evil and contrary counsels, which had, " in many particulars formerly mentioned, much " detracted from the honour of his government, " the happiness of his own estate, and prosperity of " his people.

" And having passed so many dangers from " abroad, so many conspiracies at home, and

" brought on the public work so far, through the
" greatest difficulties that ever stood in opposition
" to a parliament, to such a degree of success, that
" nothing seemed to be left in the way able to
" hinder the full accomplishment of their desires,
" and endeavours for the public good, unless God
" in his justice did send such a grievous curse upon
" them, as to turn the strength of the kingdom
" against itself, and to effect that by their own
" folly and credulity, which the power and subtilty
" of their enemies could not attain, that was, to
" divide the people from the parliament, and to
" make them serviceable to the ends and aims of
" those who would destroy them: therefore they
" desired the kingdom to take notice of that last
" most desperate and mischievous plot of the malig-
" nant party, that was acted and prosecuted in
" many parts of the kingdom, under plausible
" notions of stirring them up to a care of preserv-
" ing the king's prerogative; maintaining the dis-
" cipline of the church; upholding and continuing
" the reverence and solemnity of God's service;
" [and] encouraging of learning: and, upon those
" grounds, divers mutinous petitions had been
" framed in London, Kent, and other counties;
" and sundry of his majesty's subjects had been
" solicited to declare themselves for the king
" against the parliament; and many false and foul
" aspersions had been cast upon their proceedings,
" as if they had been not only negligent, but averse
" in those points; whereas they desired nothing
" more, than to maintain the purity and power of
" religion, and to honour the king in all his just
" prerogatives; and for encouragement and ad-

" vancement of piety and learning, they had very " earnestly endeavoured, and still did, to the utter- " most of their power, that all parishes might have " learned, pious, and sufficient preachers, and all " such preachers, competent livings.

" Other bills and propositions, they said, were " in preparation, for the king's profit and honour, " the people's safety and prosperity; in the pro- " ceedings whereof, they were much hindered by " his majesty's absence from the parliament; which " was altogether contrary to the use of his prede- " cessors, and the privilege of parliament, whereby " their time was consumed by a multitude of un- " necessary messages, and their innocency wounded " by causeless and sharp invectives; yet they " doubted not but they should overcome all this at " last, if the people suffer not themselves to be " deluded with false and specious shows, and " so drawn to betray them to their own un- " doing, who had ever been willing to hazard the " undoing of themselves, that they might not be " betrayed, by their neglect of the trust reposed in " them: but if it were possible they should prevail " herein, yet they would not fail, through God's " grace, still to persist in their duties, and to look " beyond their own lives, estates, and advantages, " as those who think nothing worth the enjoying " without the liberty, peace, and safety of the king- " dom; nor any thing too good to be hazarded in " discharge of their consciences, for the obtaining " of it: and should always repose themselves upon " the protection of Almighty God, which, they " were confident, should never be wanting to them, " (while they sought his glory,) as they had found

" it, hitherto, wonderfully going along with them, " in all their proceedings."

With this declaration they published the examinations of Mr. Goring, Mr. Percy's letter to the earl of Northumberland; which were the great evidence they had of the plot of bringing up the army, to awe the parliament; and several other letters and depositions, or rather such parts of depositions, as contributed most to their purpose. For the truth is, as they never published, so much as to the houses which were to judge, many depositions of witnesses, whose testimonies, in a manner, vindicated the king from those aspersions, which they had a mind should stick upon him, (for many such there were,) so of those which they did publish, they left out many parts, which, being added, would either have obscured, or contradicted, or discredited much of that, out of which they made the people believe much to the king's disservice. And yet with all those ill arts and omissions, I presume many, who without passion do now read those depositions, (for they are in all hands to be read,) do much marvel how such conclusions could result to his majesty's disadvantage, out of the worst part of all that evidence; which could not naturally carry that sense to which it was wrested.

About this time (which I shall mention before the other declaration, because it intervened) there happened an accident that gave them much trouble, and the more, because unlooked for, by the lord keeper's quitting them, and resorting to York, by which the king got the possession of his own great seal; which by all parties was, at that time, thought a most considerable advantage. The king was very

much unsatisfied with the lord keeper Littleton; who did not appear so useful for his service as he expected, and, from the time of the accusing the members, had lost all his vigour, and, instead of making any oppositions to any of their extravagant debates, he had silently suffered all things to be carried; and had not only declined the performing the office the king had enjoined him, with reference to the earls of Essex and Holland, (before mentioned,) but very much complied with and courted that party of both houses, which frequently resorted to him; and of late in a question, which had been put in the house of peers, in the point of the militia, he had given his vote both against the king and the law, to the infinite offence and scandal of all those who adhered to the king.

He was a man of great reputation in the profession of the law; for learning, and all other advantages, which attend the most eminent men; he was of a very good extraction in Shropshire, and inherited a fair fortune, and inheritance from his father; he was a handsome and a proper man, of a very graceful presence, and notorious for courage, which, in his youth, he had manifested with his sword; he had taken great pains in the hardest and most knotty parts of the law, as well as that which was more customary; and was not only very ready and expert in the books, but exceedingly versed in records, in studying and examining whereof, he had kept Mr. Selden company, with whom he had great friendship, and who had much assisted him; so that he was looked upon as the best antiquary of the profession, who gave himself up to practice; and, upon the mere strength of his own abilities, he

had raised himself into the first rank of the practisers in the common law courts, and was chosen recorder of London before he was called to the bench, and grew presently into the highest practice in all the other courts, as well as those of the law. When the king looked more narrowly into his business, and found that he should have much to do in Westminster-hall, he removed an old, useless, illiterate person, who had been put into that office by the favour of the duke of Buckingham, and made Littleton his solicitor general, much to his honour, but not to his profit; the obligation of attendance upon that office depriving him of much benefit he used to acquire by his practice, before he had that relation. Upon the death of the lord Coventry, and Finch being made keeper, he was made chief justice of the common pleas, then the best office of the law, and that which he was wont to say, in his highest ambition, in his own private wishes, he had most desired; and it was indeed the sphere in which he moved most gracefully, and with most advantage, being a master of all that learning and knowledge, which that place required, and an excellent judge, of great gravity, and above all suspicion of corruption.

Whilst he held this place, he was by the favour of the archbishop of Canterbury, and the earl of Strafford, who had a great esteem of him, recommended to the king to be called to the council table, where he kept up his good name; and, upon the lord Finch's leaving the kingdom, in the beginning of the parliament, he was thought, in many respects, to be the fittest to be intrusted in that office; and, upon the desire of the earl of Strafford,

after he was in the Tower, was created a baron, out of expectation that, by his authority and knowledge of the law, he would have been of great use in restraining those extraordinary and unwarrantable proceedings: but, from the time he had the great seal, he seemed to be out of his element, and in some perplexity and irresolution in the chancery itself, though he had great experience in the practice and proceedings of that court; and made not that despatch, that was expected, at the council table; and in the parliament he did not preserve any dignity; and appeared so totally dispirited, that few men shewed any respect to him, but they who most opposed the king, who indeed did exceedingly apply themselves to him, and were with equal kindness received by him. This wonderful alteration in him, his friends believed to have proceeded from a great sickness, which had seized upon him very soon after he was created a baron, insomuch as every man believed he would die; and by this means, he did not attend the house in some months; and so performed none of those offices toward the earl of Strafford, the expectation whereof had been the sole motive to that promotion: from that time he never did appear the same man; but sure there were other causes for it, and he was possessed with some melancholy apprehensions, which he could not master, and had no friend to whom he durst entirely communicate [them].

Mr. Hyde, one of those who was most trusted by the king in the house of commons, and had always had a great respect for the keeper, was as much troubled at his behaviour, as any man; and

using frequently to go to him, went upon that occasion; and with great freedom and plainness told him, "how much he had lost the esteem of all "good men, and that the king could not but be "exceedingly dissatisfied with him;" and discoursed over the matter of that vote. Though he did not know, that the king did at that time put so great a secret trust in Mr. Hyde, yet he knew well, that the king had a very good opinion of him, and had heard his majesty often, from the beginning of the parliament, when the discourse happened to be of the lawyers of the house, take occasion from thence to mention Mr. Hyde, as a man of whom he heard very well; which the keeper had many times taken notice of to him: and then he knew the friendship that was between the lord Falkland and him [Mr. Hyde], and had heard the many jealousies which were contracted, upon the great communication he had with the two new counsellors; and so no doubt believed, that he knew much of the king's mind. And so as soon as he had entered upon this discourse, which he heard with all attention, (they being by themselves in his study at Exeter house,) he rose from his chair, and went to the door; and finding some persons in the next room, he bade them to withdraw; and so locking both the door of that room, and of his study, he sat down himself, and making Mr. Hyde sit down in another chair, he began "with giving him "many thanks for his friendship to him, which, he "said, he had ever esteemed, and he could not more "manifest the esteem he had of it and him, than "by using that freedom again with him, which he "meant to do. Then he lamented his own con-

" dition; and that he had been preferred from the " common pleas, where he knew both the business " and the persons he had to deal with, to the " other high office he now held, which obliged " him to converse and transact with another sort " of men, who were not known to him, and in " affairs which he understood not, and had not " one friend amongst them, with whom he could " confer upon any doubt which occurred to him."

He spake then of the unhappy state and condition of the king's business; how much he had been, and was still, betrayed by persons who were about him; and with all possible indignation against the proceedings of the parliament; and said, " they would never do this, if they were not re- " solved to do more: that he knew the king too " well, and observed the carriage of particular men " too much, and the whole current of public trans- " actions these last five or six months, not to fore- " see that it could not be long before there would " be a war between the king and the two houses; " and of the importance, in that season, that the " great seal should be with the king." Then he fell into many expressions of his duty and affection to the king's person, as well as to his high degree: and " that no man should be more ready to perish " with and for his majesty, than he would be; " that the prospect he had of this necessity had " made him carry himself towards that party with " so much compliance, that he might be gracious " with them, at least, that they might have no " distrust of him; which, he knew, many had " endeavoured to infuse into them; and that there " had been a consultation within few days, whether,

" in regard he might be sent for by the king, or " that the seal might be taken from him, it would " not be best to appoint the seal to be kept in " some such secure place, as that there might be " no danger of losing it; and that the keeper " should always receive it, for the execution of his " office; they having no purpose to disoblige him. " And the knowledge he had of this consultation, " and fear he had of the execution of it, had been " the reason, why, in the late debate upon the " militia, he had given his vote in such a manner, " as, he knew, would make very ill impressions " with the king, and many others who did not " know him very well; but that, if he had not, in " that point, submitted to their opinion, the seal " had been taken from him that night; whereas " by this compliance in that vote, which could " only prejudice himself, and not the king, he " had gotten so much into their confidence, that " he should be able to preserve the seal in his " own hands, till the king required it; and then he " would be as ready to attend upon his majesty " with it."

Mr. Hyde was very well pleased with this discourse; and asked him, " whether he would give " him leave, when there should be a fit occasion, " that required it, to assure the king, that he would " perform this service, when the king should re- " quire it?" He desired, " that he would do " so, and pass his word for the performance of " it, as soon as his majesty pleased:" and so they parted.

It was within very few days after, that the king, exceedingly displeased and provoked with

the keeper's behaviour, sent an order to the lord Falkland, "to require the seal from him;" in which the king was very positive, though he was not resolved to what hand to commit it. His majesty wished them (for he always included the other two in such references) to consider, "whe-"ther he should give it to the lord chief justice "Banks," (against whom he made some objection himself,) "or into the hands of Mr. Selden; and "to send their opinion to him." The order was positive for the requiring it from the present officer, but they knew not how to advise for a successor. The lord [chief justice] Banks appeared to be as much afraid, as the other; and not thought equal to that charge, in a time of so much disorder; though, otherwise, he was a man of great abilities, and unblemished integrity: they did not doubt of Mr. Selden's affection to the king, but withal they knew him so well, that they concluded he would absolutely refuse the place, if it were offered to him. He was in years, and of a tender constitution; he had for many years enjoyed his ease, which he loved; was rich; and would not have made a journey to York, or have lain out of his own bed, for any preferment; which he had never affected.

Being all the three of one mind, that it would not be fit to offer it to the one or the other; hereupon Mr. Hyde told them the conference he had had with the keeper, and the professions he had made; and was very confident, that he would very punctually perform it; and therefore proposed, that "they might, with their opinions of the other "persons, likewise advise his majesty to suspend

" his resolution concerning the lord keeper, and " rather to write kindly to him, to bring the seal " to his majesty, instead of sending for the seal " itself, and to cast him off;" and offered to venture his own credit with the king, upon the keeper's complying with his majesty's command. Neither of them were of his opinion; and had both no esteem of the keeper, nor believed that he would go to his majesty, if he were sent for, but that he would find some trick to excuse himself; and therefore were not willing, that Mr. Hyde should venture his reputation upon it. He desired them then " to consider how absolutely necessary " it was, that the king should first resolve into what " hand to put the seal, before he removed it; for " that it could not be unemployed one hour, but " that the whole justice of the kingdom would be " out of order, and draw a greater and a juster " clamour than had been yet: that there was as " much care to be taken, that it should not be in " the power of any man to refuse it, which would " be yet more prejudicial to his majesty. He de- " sired them above all, to weigh well, that the " business consisted only in having the great seal " in the place, where his majesty resolved to be; " and if the keeper would keep his promise, and " desired to serve and please the king, it would be " unquestionably the best way, that he and the " seal were both there: if, on the other side, he " were not an honest man, and cared not for " offending the king, he would then refuse to de- " liver it; and inform the lords of it; who would " justify him for his disobedience, and reward and " cherish him; and he must then hereafter serve

" their turn; the mischief whereof would be greater " than could be easily imagined: and his [majesty's] " own great seal should be every day used " against him, nor would it be possible in many " months to procure a new one to be made."

These objections appeared of weight to them; and they resolved to give an account of the whole to the king, and to expect his order: and both the lord Falkland and Mr. Hyde writ to his majesty, and sent their letters away that very night. The king was satisfied with the reasons, and was very glad that Mr. Hyde was so confident of the keeper; though, he said, he remained still in doubt; and resolved, " that he would, such a day of the week " following, send for the keeper, and the seal;" and that it should be, as had been advised, upon a Saturday afternoon, as soon as the house of lords should rise; because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the keeper frequently, and was confirmed in his confidence of his integrity, went now to him; and finding him firm to his resolution, and of the opinion, in regard of the high proceedings of the houses, that it should not be long deferred; he told him, " that he might expect a messenger the next week, " and that he should once more see him, when he " would tell him the day; and that he would then " go himself away before him to York;" with which he was much pleased, and it was agreed between the three, that it was now time, that he should be gone (the king having sent for him some time before) after a day or two; in which time the declaration of the nineteenth of May would be passed.

On the Saturday following, between two and three of the clock in the afternoon, Mr. Elliot, a groom of the bedchamber to the prince, came to the keeper, and found him alone in the room where he used to sit, and delivered him a letter from the king in his own hand; wherein he required him, with many expressions of kindness and esteem, "to make haste to him; and if his indisposition" (for he was often troubled with gravel and sharpness of urine) "would not suffer him to make such "haste upon the journey, as the occasion required, "that he should deliver the seal to the person who "gave him the letter; who, being a strong young "man, would make such haste as was necessary; and "that he might make his own journey, by those "degrees which his health required." The keeper was surprised with the messenger, whom he did not like; and more when he found that he knew the contents of the letter, which, he hoped, would not have been communicated to any man who should be sent: he answered him with much reservation; and when the other with bluntness, as he was no polite man, demanded the seal of him, which he had not thought of putting out of his own hands; he answered him, "that he would not "deliver it into any hands, but the king's:" but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the king would be very unhappily disappointed of the seal, which he had reason so much to depend upon; and that his misfortune would be wholly

imputed to his own fault and infidelity, (which, without doubt, he abhorred with his heart;) and the only way to prevent that mischief, or to appear innocent under it, was to deliver the seal to the person trusted by the king himself to receive it; and so, without telling him any thing of his own purpose, he delivered the seal into his hands; and he forthwith put himself on his horse, and with wonderful expedition presented the great seal into his majesty's own hands, who was infinitely pleased with it, and with the messenger.

The keeper, that evening, pretended to be indisposed, and that he would take his rest early, and therefore that nobody should be admitted to speak with him: and then he called sergeant Lee to him, who was the sergeant who waited upon the seal, and in whom he had great confidence, as he well might; and told him freely, "that he was resolved, "the next morning, to go to the king, who had "sent for him; that he knew well how much "malice he should contract by it from the par-"liament, which would use all the means they "could to apprehend him; and he himself knew "not how he should perform the journey, there-"fore he put himself entirely into his hands; that "he should cause his horses to be ready against "the next morning, and only his own groom to "attend them, and he to guide the best way, and "that he would not impart it to any other person." The honest sergeant was very glad of the resolution, and cheerfully undertook all things for the journey; and so sending the horses out of the town, the keeper put himself in his coach very early the next morning, and as soon as they were

out of the town, he and the sergeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of June, that before the end of the third day he kissed the king's hands at York.

He had purposely procured the house of peers to be adjourned to a later hour in the morning for Monday, than it used to be. Sunday passed without any man's taking notice of the keeper's being absent; and many, who knew that he was not at his house, thought he had been gone to Cranford, his country house, whither he frequently went on Saturday nights, and was early enough at the parliament on the Monday mornings; and so the lords the more willingly consented to the later adjournments for those days. But on Monday morning, when it was known when, and in what manner, he had left his house, the confusion in both houses was very great; and they who had thought that their interest was so great in him, that they knew all his thoughts, and had valued themselves, and were valued by others, upon that account, hung down their heads, and were even distracted with shame: however they could not but conclude, that he was out of their reach before the lords met; yet to shew their indignation against him, and it may be in hope that his infirmities would detain him long in the journey, (as nobody indeed thought that he could have performed it with that expedition,) they issued out such a warrant for the apprehending him, as had been in the case of the foulest felon or murderer; and printed it, and caused it to be dispersed, by expresses, over all the kingdom, with great haste. All which circum-

stances, both before and after the keeper's journey to York, are the more particularly and at large set down, out of justice to the memory of that noble person; whose honour suffered then much in the opinion of many, by the confident report of the person, who was sent for and received the seal, and who was a loud and a bold talker, and desired to have it believed, that his manhood had ravished the great seal from the keeper, even in spite of his teeth; which, how impossible soever in itself, found too much credit; and is therefore cleared by this very true and punctual relation, which in truth is but due to him.

But the trouble and distraction, which at this time possessed them, was visibly very great; and their dejection such, that the same day the lord of Northumberland (who had been of another temper) moved, "that a committee might be "appointed, to consider how there might be an "accommodation between the king and his people, "for the good, happiness, and safety of both king "and kingdom;" which committee was appointed accordingly.

This temper of accommodation troubled them not long, new warmth and vigour being quickly infused into them by the unbroken or undaunted spirits of the house of commons; which, to shew how little they valued the power or authority of the king, though supported by having now his great seal by him, on the twenty-sixth of May agreed on a new remonstrance to the people; in which, the lords concurring, they informed them,

"That although the great affairs of the kingdom, "and the miserable bleeding condition of the king-

" dom of Ireland, afforded them little leisure to
" spend their time in declarations, and in answers,
" and replies, yet the malignant party about his
" majesty taking all occasions to multiply calumnies
" upon the houses of parliament, and to publish
" sharp invectives, under his majesty's name,
" against them, and their proceedings, (a new
" engine they had invented to heighten the dis-
" tractions of this kingdom, and to beget and in-
" crease distrust and disaffection between the king,
" and his parliament, and the people,) they could
" not be so much wanting to their own innocency,
" or to the duty of their trust, as not to clear them-
" selves from those false aspersions, and (which
" was their chiefest care) to disabuse the people's
" minds, and open their eyes, that, under the false
" shows, and pretexts of the law of the land, and
" of their own rights and liberties, they may not
" be carried into the road way, that leadeth to the
" utter ruin and subversion thereof. A late occa-
" sion that those wicked spirits of division had
" taken to defame, and indeed to arraign the pro-
" ceedings of both houses of parliament, had been
" from their votes of the twenty-eighth of April,
" and their declaration concerning the business of
" Hull, which because they put forth, before they
" could send their answer concerning that matter
" unto his majesty, those mischievous instruments
" of dissension, between the king, and the parlia-
" ment, and the people, whose chief labour and
" study was to misrepresent their actions to his
" majesty, and to the kingdom, would needs inter-
" pret this as an appeal to the people, and a declin-
" ing of all intercourse between his majesty and

" them; as if they thought it to no purpose, to " endeavour any more to give his majesty satisfac- " tion; and, without expecting any longer their " answer, under the name of a message from his " majesty to both houses, they themselves had " indeed made an appeal to the people, as the mes- " sage itself did in a manner grant it to be, offer- " ing to join issue with them in that way, and in " the nature thereof did clearly shew itself to be no " other; therefore they would likewise address " their answer to the kingdom, not by way of " appeal, (as they were charged,) but to prevent " them from being their own executioners, and " from being persuaded under false colours of de- " fending the law, and their own liberties, to de- " stroy both with their own hands, by taking their " lives, liberties, and estates out of their hands, " whom they had chosen, and intrusted therewith, " and resigning them up unto some evil counsellors, " about his majesty, who could lay no other found- " ation of their own greatness, but upon the ruin " of this, and, in it, of all parliaments; and, in " them, of the true religion, and the freedom of " this nation. And these, they said, were the men " that would persuade the people, that both houses " of parliament, containing all the peers, and repre- " senting all the commons of England, would de- " stroy the laws of the land, and liberties of the " people; wherein, besides the trust of the whole, " they themselves, in their own particulars, had so " great an interest of honour and estate, that they " hoped it would gain little credit with any, that " had the least use of reason, that such, as must " have so great a share in the misery, should take

" so much pains in the procuring thereof; and " spend so much time, and run so many hazards " to make themselves slaves, and to destroy the " property of their estates. But that they might " give particular satisfaction to the several imputa- " tions cast upon them, they would take them in " order, as they were laid upon them in that mes- " sage.

" First, they were charged for the avowing that " act of sir John Hotham; which was termed un- " paralleled, and an high and unheard of affront " unto his majesty, and as if they needed not to " have done it; he being able, as was alleged, to " produce no such command of the houses of par- " liament. They said, although sir John Hotham " had not an order, that did express every circum- " stance of that case, yet he might have produced " an order of both houses, which did comprehend " this case, not only in the clear intention, but in " the very words thereof; which they knowing in " their consciences to be so, and to be most neces- " sary for the safety of the kingdom, they could " not but in honour and justice avow that act of " his; which, they were confident, would appear to " all the world to be so far from being an affront " to the king, that it would be found to have been " an act of great loyalty to his majesty, and to his " kingdom.

" The next charge upon them was, that, instead " of giving his majesty satisfaction, they published " a declaration concerning that business, as an " appeal to the people, and as if their intercourse " with his majesty, and for his satisfaction, were " now to no more purpose; which course was

" alleged to be very unagreeable to the modesty " and duty of former times, and not warrantable by " any precedents, but what themselves had made. " They said, if the penner of that message had " expected a while, or had not expected that two " houses of parliament (especially burdened, as they " were at that time, with so many pressing and " urgent affairs) should have moved as fast as him- " self, he would not have said, that declaration was " instead of an answer to his majesty; which they " did despatch with all the speed and diligence they " could, and had sent it to his majesty by a com- " mittee of both houses; whereby it appeared, that " they did it not upon that ground, that they " thought it was no more to any purpose, to endea- " vour to give his majesty satisfaction.

" And as for the duty and modesty of former " times, from which they were said to have varied, " and to want the warrant of any precedents " therein, but what themselves had made: if they " had made any precedents this parliament, they " had made them for posterity, upon the same, or " better grounds of reason and law, than those " were upon, which their predecessors first made " for them: and as some precedents ought not to " be rules for them to follow, so none could be " limits to bound their proceedings; which might " and must vary, according to the different condi- " tion of times. And for that particular, of setting " forth declarations for the satisfaction of the peo- " ple, who had chosen, and intrusted them with all " that was dearest to them: if there were no ex- " ample for it, it was because there were never any " such monsters before, that ever attempted to dis-

" affect the people from a parliament, or could ever " harbour a thought that it might be effected. Were " there ever such practices to poison the people " with an ill apprehension of the parliament? Were " there ever such imputations and scandals laid " upon the proceedings of both houses? Were there " ever so many and so great breaches of privilege " of parliament? Were there ever so many and so " desperate designs of force and violence against " the parliament, and the members thereof? If " they had done more than ever their ancestors " had done, they said, they had suffered more than " ever they had suffered; and yet, in point of mo- " desty and duty, they would not yield to the best " of former times; and they would put that in " issue, whether the highest and most unwarrant- " able precedents of any of his majesty's predeces- " sors did not fall short, and much below, what " had been done to them this parliament? And, on " the other side, whether, if they should make the " highest precedents of other parliaments their " patterns, there would be cause to complain of " want of modesty and duty in them; when they " had not so much as suffered such things to enter " into their thoughts, which all the world knew " they had put in act?

" Another charge which was laid very high upon " them, and which were indeed a very great crime " if they were found guilty thereof, was, that, by " avowing that act of sir John Hotham, they did, " in consequence, confound and destroy the title " and interest of all his majesty's good subjects to " their lands and goods; and that upon this " ground; that his majesty had the same title to

" his town of Hull, which any of his subjects had " to their houses or lands, and the same to his " magazine and munition there, that any man had " to his money, plate, or jewels: and, therefore, " that they ought not to have been disposed of, " without or against his consent, no more than " the house, land, money, plate, or jewels, of " any subject ought to be, without or against " his will.

" Here, they said, that was laid down for a prin- " ciple, which would indeed pull up the very found- " ation of the liberty, property, and interest of " every subject in particular, and of all the subjects " in general, if they should admit it for a truth, " that his majesty had the same right and title to " his towns, and to his magazines, (bought with " the public monies, as they conceived that at " Hull to have been,) that every particular man " hath to his house, lands, and goods. For his " majesty's towns were no more his own, than his " kingdom was his own; and his kingdom was no " more his own, than his people are his own; and " if the king had a propriety in all his towns, what " would become of the subjects' propriety in their " houses therein? and if he had a propriety in his " kingdom, what would become of the subjects' " propriety in their lands throughout the kingdom? " or of their liberties, if his majesty had the same " right in their persons, that every subject hath in " his lands and goods? and what would become of " all the subjects' interests in the towns and forts " of the kingdom, and in the kingdom itself, if his " majesty might sell, or give them away, or dis- " pose of them at his pleasure, as a particular man

" might do with his lands and with his goods? " This erroneous maxim being infused into princes, " that their kingdoms are their own, and that they " may do with them what they will, as if their " kingdoms were for them, and not they for their " kingdoms, was, they said, the root of all the " subjects' misery, and of the invading of their just " rights and liberties; whereas, indeed, they are " only intrusted with their kingdoms, and with " their towns, and with their people, and with the " public treasure of the commonwealth, and what- " soever is bought therewith; and, by the known " law of this kingdom, the very jewels of the crown " are not the king's proper goods, but are only in- " trusted to him for the use and ornament thereof: " as the towns, forts, treasure, magazines, offices, " and the people of the kingdom, and the whole " kingdom itself is intrusted unto him, for the good, " and safety, and best advantage thereof: and as " this trust is for the use of the kingdom, so ought " it to be managed by the advice of the houses of " parliament, whom the kingdom hath trusted for " that purpose; it being their duty to see it dis- " charged according to the condition and true in- " tent thereof; and as much as in them lies, by all " possible means, to prevent the contrary; which, " if it had been their chief care, and only aim, in " the disposing of the town and magazine of Hull " in such manner as they had done, they hoped it " would appear clearly to all the world, that they " had discharged their own trust, and not invaded " that of his majesty's, much less his property; " which, in that case, they could not do.

" But admitting his majesty had indeed had a

" property in the town and magazine of Hull; who " doubted but that a parliament may dispose of any " thing, wherein his majesty, or any subject, hath " a right, in such a way, as that the kingdom may " not be exposed to hazard or danger thereby? " which was their case, in the disposing of the " town and magazine of Hull. And whereas his " majesty did allow this, and a greater power to a " parliament, but in that sense only, as he himself " was a part thereof; they appealed to every man's " conscience, that had observed their proceedings, " whether they disjoined his majesty from his par- " liament, who had in all humble ways sought his " concurrence with them, as in that particular about " Hull, and for the removal of the magazine there, " so also in all other things; or whether those evil " councils about him had not separated him from " his parliament; not only in distance of place, but " also in the discharge of the joint trust with them, " for the peace and safety of the kingdom in that, " and some other particulars.

" They had given no occasion to his majesty, " they said, to declare with so much earnestness " his resolution, that he would not suffer either, or " both houses by their votes, without or against " his consent, to enjoin any thing that was forbid- " den by the law, or to forbid any thing that was " enjoined by the law; for their votes had done no " such thing: and as they should be very tender " of the law, (which they did acknowledge to be " the safeguard and custody of all public and pri- " vate interests,) so they would never allow a few " private persons about the king, nor his majesty " himself in his own person, and out of his courts,

" to be judge of the law, and that contrary to the " judgment of the highest court of judicature. In " like manner, that his majesty had not refused to " consent to any thing, that might be for the peace " and happiness of the kingdom, they could not " admit it in any other sense, but as his majesty " taketh the measure of what will be for the peace " and happiness of his kingdom, from some few ill " affected persons about him, contrary to the advice " and judgment of his great council of parliament. " And because the advice of both houses of parlia- " ment had, through the suggestions of evil coun- " sellors, been so much undervalued of late, and so " absolutely rejected and refused, they said, they " held it fit to declare unto the kingdom, whose " honour and interest was so much concerned in it, " what was the privilege of the great council of " parliament herein; and what was the obligation " that lay upon the kings of this realm, to pass " such bills, as are offered to them by both houses " of parliament, in the name, and for the good, of " the whole kingdom, whereunto they stand en- " gaged, both in conscience and in justice, to give " their royal assent: in conscience, in regard of the " oath, that is or ought to be taken by the kings " of this realm at their coronation, as well to con- " firm by their royal assent such good laws, as the " people shall choose, and to remedy by law such " inconveniences, as the kingdom may suffer; as to " keep and protect the laws already in being; as " may appear both by the form of the oath upon " record, and in books of good authority, and by " the statute of the 25 of Edward III. entitled, the " Statute of Provisors of Benefices; the form of

" which oath, and the clause of the statute that " concerneth it, are as followeth :

Rot. Parliament. H. IV. N. 17.
Forma juramenti soliti, et consueti præstari per reges Angliæ in eorum coronatione.

Servabis ecclesiæ Dei, cleroque, et populo, pacem ex integro, et concordiam in Deo, secundum vires tuas ?

Respondebit, Servabo.

Facies fieri in omnibus judiciis tuis æquam, et rectam justitiam, et discretionem in misericordia et veritate, secundum vires tuas ?

Respondebit, Faciam.

Concedis justas leges, et consuetudines esse tenendas ; et promittis per te eas esse protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit, secundum vires tuas ?

Respondebit, Concedo et promitto.

Adjicianturque prædictis interrogationibus quæ justa fuerint, prænunciatisque omnibus, confirmet rex se omnia servaturum, sacramento super altare præstito, coram cunctis.

A clause in the preamble of a statute made the 25 Edw. III. *entitled, the Statute of Provisors of Benefices.*

Whereupon the said commons have prayed our said lord the king, that sith the right of the crown of England, and the law of the said realm is such,

that upon the mischiefs and damages, which happen to this realm, he ought, and is bound by his oath, with the accord of his people in his parliament, thereof to make remedy and law, and in removing the mischiefs and damages which thereof ensue, that it may please him thereupon to ordain remedy.

Our lord the king seeing the mischiefs and damages before mentioned, and having regard to the statute made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always his force, and was never defeated, repealed, nor annulled in any point, and by so much he is bounden by his oath to cause the same to be kept as the law of his realm, though that, by sufferance and negligence, it hath been sithence attempted to the contrary: also having regard to the grievous complaints made to him by his people, in divers his parliaments holden heretofore, willing to ordain remedy for the great damages and mischiefs, which have happened, and daily do happen, to the church of England by the said cause:

"Here, they said, the lords and commons claim "it directly as the right of the crown of England, "and of the law of the land, and that the king is "bound by his oath, with the accord of his people "in parliament, to make remedy, and law, upon "the mischiefs and damages, which happen to this "realm; and the king doth not deny it, although "he take occasion from a statute formerly made "by his grandfather, which was laid as part of the "grounds of this petition, to fix his answer upon

" another branch of his oath, and pretermits that " which is claimed by the lords and commons; " which he would not have done, if it might have " been excepted against.

" In justice, they said, they are obliged there- " unto, in respect of the trust reposed in them; " which is as well to preserve the kingdom by the " making new laws, where there shall be need, as " by observing of laws already made; a kingdom " being, many times, as much exposed to ruin for " the want of a new law, as by the violation of " those that are in being: and this is so clear a " right, that, no doubt, his majesty would acknow- " ledge it to be as due to his people, as his protec- " tion. But how far forth he was obliged to follow " the judgment of his parliament therein, that is " the question. And certainly, besides the words " in the king's oath, referring unto such laws as " the people shall choose, as in such things which " concern the public weal and good of the kingdom, " they are the most proper judges, who are sent " from the whole kingdom for that very purpose; " so they did not find, that since laws have passed " by way of bills, (which are read thrice in both " houses, and committed; and every part and cir- " cumstance of them fully weighed, and debated " upon the commitment, and afterwards passed in " both houses,) that ever the kings of this realm " did deny them, otherwise than is expressed in " that usual answer, *Le roy s'avisera;* which sig- " nifies rather a suspension, than a refusal of the " royal assent. And in those other laws, which " are framed by way of petitions of right, the " houses of parliament have taken themselves to

" be so far judges of the right claimed by them,
" that when the king's answer hath not, in every
" point, been fully according to their desire, they
" have still insisted upon their claim, and never
" rested satisfied, till such time as they had an
" answer according to their demand; as had been
" done in the late Petition of Right, and in former
" times upon the like occasion. And if the parlia-
" ment be judge between the king and his people
" in the question of right, (as by the manner in the
" claim in petitions of right, and by judgments in
" parliament, in cases of illegal impositions and
" taxes, and the like, it appears to be,) why should
" they not be so also, in the question of the common
" good, and necessity of the kingdom; wherein the
" kingdom hath as clear a right also to have the
" benefit and remedy of law, as in any thing what-
" soever? And yet they did not deny, but that in
" private bills, and also in public acts of grace, as
" pardons, and the like grants of favour, his majesty
" might have a greater latitude of granting, or
" denying, as he should think fit.

" All this considered, they said, they could not
" but wonder, that the contriver of that message
" should conceive the people of this land to be so
" void of common sense, as to enter into so deep a
" mistrust of those, whom they have, and his ma-
" jesty ought to repose so great a trust in, as to
" despair of any security in their private estates, by
" descents, purchases, assurances, or conveyances;
" unless his majesty should, by his vote, prevent
" the prejudice they might receive therein by the
" votes of both houses of parliament; as if they,
" who are especially chosen, and intrusted for that

" purpose, and who themselves must needs have so
" great a share in all grievances of the subject, had
" wholly cast off all care of the subject's good, and
" his majesty had solely taken it up; and as if it
" could be imagined, that they should, by their
" votes, overthrow the rights of descents, purchases,
" or of any conveyance or assurance, in whose
" judgment the whole kingdom hath placed all
" their particular interests, if any of them should
" be called in question, in any of those cases; and
" that (as not knowing where to place them with
" greater security) without any appeal from them
" to any other person or court whatsoever.

" But indeed they were very much to seek, how
" the case of Hull could concern descents and pur-
" chases, or conveyances and assurances; unless it
" were in procuring more security to men in their
" private interests, by the preservation of the whole
" from confusion and destruction; and much less
" did they understand how the sovereign power
" was resisted and despised therein. Certainly no
" command from his majesty, and his high court of
" parliament, (where the sovereign power resides,)
" was disobeyed by sir John Hotham; nor yet was
" his majesty's authority derived out of any other
" court, nor by any legal commission, or by any
" other way, wherein the law had appointed his
" majesty's commands to be derived to his subjects;
" and of what validity his verbal commands are,
" without any such stamp of his authority upon
" them, and against the order of both houses of
" parliament, and whether the not submitting
" thereunto be a resisting and despising of the
" sovereign authority, they would leave to all men

" to judge, that do at all understand the govern-
" ment of this kingdom.

" They acknowledged that his majesty had made
" many expressions of his zeal and intentions
" against the desperate designs of the papists; but
" yet it was also as true, that the counsels, which
" had prevailed of late with him, had been little
" suitable to those expressions and intentions. For
" what did more advance the open and bloody de-
" sign of the papists in Ireland, (whereon the secret
" plots of the papists here did, in all likelihood,
" depend,) than his majesty's absenting himself, in
" that manner that he did, from his parliament;
" and setting forth such sharp invectives against
" them, notwithstanding all the humble petitions,
" and other means, which his parliament had ad-
" dressed unto him, for his return, and for his
" satisfaction concerning their proceedings? And
" what was more likely to give a rise to the designs
" of the papists, (whereof there were so many in
" the north, near to the town of Hull,) and of
" other malignant and ill affected persons, (which
" were ready to join with them,) or to the attempts
" of foreigners from abroad, than the continuing
" of that great magazine at Hull, at this time,
" and contrary to the desire and advice of both
" houses of parliament? So that they had too
" much cause to believe, that the papists had still
" some way and means, whereby they had influ-
" ence upon his majesty's counsels for their own
" advantage.

" For the malignant party, they said, his majesty
" needed not a definition of the law, nor yet a more
" full character of them from both houses of parlia-

" ment, for to find them out, if he would please
" only to apply the character, that himself had
" made of them, to those, unto whom it doth pro-
" perly and truly belong. Who are so much dis-
" affected to the peace of the kingdom, as they
" that endeavour to disaffect his majesty from the
" houses of parliament, and persuade him to be at
" such a distance from them, both in place and
" affection? Who are more disaffected to the
" government of the kingdom, than such as lead
" his majesty away from hearkening to his parlia-
" ment; which, by the constitution of the kingdom,
" is his greatest and best council; and persuade
" him to follow the malicious counsels of some
" private men, in opposing and contradicting the
" wholesome advices and just proceedings of that
" his most faithful council and highest court?
" Who are they, that not only neglect and despise,
" but labour to undermine the law, under colour of
" maintaining it, but they that endeavour to destroy
" the fountain and conservatory of the law, which
" is the parliament? And who are they that set up
" other rules for themselves to walk by, than such
" as are according to law, but they that will make
" other judges of the law than the law hath ap-
" pointed; and so dispense with their obedience to
" that, which the law calleth authority, and to
" their determinations and resolutions, to whom
" the judgment doth appertain by law? For, when
" private persons shall make the law to be their
" rule according to their own understandings,
" contrary to the judgment of those that are the
" competent judges thereof, they set up unto
" themselves other rules than the law doth acknow-

" ledge. Who those persons were, none knew
" better than his majesty himself: and if he would
" please to take all possible caution of them, as
" destructive to the commonwealth and himself,
" and would remove them from about him, it would
" be the most effectual means to compose all the
" distractions, and to cure the distempers of the
" kingdom.

" For the lord Digby's letter, they said, they did
" not make mention of it as a ground to hinder his
" majesty from visiting his own fort; but they ap-
" pealed to the judgment of any indifferent man,
" that should read that letter, and compare it with
" the posture that his majesty then did, and still
" doth, stand in towards the parliament, and with
" the circumstances of that late action of his ma-
" jesty in going to Hull, whether the advisers of
" that journey intended only a visit of that fort
" and magazine?

" As to the ways and overtures of accommoda-
" tion, and the message of the twentieth of January
" last, so often pressed, but still in vain, as was al-
" leged: their answer was, that although so often
" as that message of the twentieth of January had
" been pressed, so often had their privileges been
" clearly infringed, that a way and method of pro-
" ceeding should be prescribed to them, as well
" for the settling of his majesty's revenue, as for
" the presenting of their own desires, (a thing,
" which, in former parliaments, had always been
" excepted against, as a breach of privilege,) yet,
" in respect to the matter contained in that mes-
" sage, and out of their earnest desire to beget a
" good understanding between his majesty and

" them, they swallowed down all matters of cir-
" cumstance; and had ere that time presented the
" chief of their desires to his majesty, had they
" not been interrupted with continual denials, even
" of those things that were necessary for their
" present security and subsistence; and had not
" those denials been followed with perpetual in-
" vectives against them and their proceedings; and
" had not those invectives been heaped upon them
" so thick one after another, (who were in a man-
" ner already taken up wholly with the pressing
" affairs of this kingdom, and of the kingdom of
" Ireland,) that as they had little encouragement
" from thence, to hope for any good answers to
" their desires, so they had not so much time
" left them to perfect them in such a manner, as to
" offer them to his majesty.

" They confessed it a resolution most worthy of
" a prince, and of his majesty, to shut his ears
" against any that would incline him to a civil war;
" and to abhor the very apprehension of it. But
" they could not believe that mind to have been in
" them, that came with his majesty to the house
" of commons; or in them, that accompanied his
" majesty to Hampton-court, and appeared in a
" warlike manner at Kingston upon Thames; or in
" divers of them, who followed his majesty lately
" to Hull; or in them, who after drew their swords
" in York, demanding, *Who would be for the king?*
" nor in them, that advised his majesty to declare
" sir John Hotham a traitor, before the message
" was sent concerning that business to the parlia-
" ment, or to make propositions to the gentlemen
" of the county of York to assist his majesty to

" proceed against him in a way of force, before he " had, or possibly could receive an answer from " the parliament, to whom he had sent to demand " justice of them against sir John Hotham for that " fact: and if those malignant spirits should ever " force them to defend their religion, the kingdom, " the privileges of parliament, and the rights and " liberties of the subjects, with their swords; the " blood, and destruction that should ensue there- " upon, must be wholly cast upon their account; " God and their own consciences told them, that " they were clear; and they doubted not, but God " and the whole world would clear them therein.

" For captain Leg, they had not said that he " was accused, or that there was any charge against " him, for the bringing up of the army; but that " he was employed in that business. And for that " concerning the earl of Newcastle, mentioned by " his majesty, which was said to have been asked " long since, and that it was not easy to be an- " swered: they conceived it was a question of more " difficulty, and harder to be answered, why, when " his majesty held it necessary, upon the same " grounds that first moved from the houses of par- " liament, that a governor should be placed in that " town, sir John Hotham, a gentleman of known " fortune and integrity, and a person of whom " both houses of parliament had expressed their " confidence, should be refused by his majesty; " and the earl of Newcastle (who, by the way, " was so far named in the business of bringing up " the army, that although there was not ground " enough for a judicial proceeding, yet there was " ground of suspicion; at least his reputation was

" not left so unblemished thereby, as that he should " be thought the fittest man in England for that " employment of Hull) should be sent down, in a " private way, from his majesty to take upon him " that government? And why he should disguise " himself under another name, when he came " thither, as he did? But whosoever should con- " sider, together with those circumstances, that of " the time when sir John Hotham was appointed, " by both houses of parliament, to take upon him " that employment, which was presently after his " majesty's coming to the house of commons, and " upon the retiring himself to Hampton-court, and " the lord Digby's assembling of cavaliers at King- " ston upon Thames, would find reason enough, " why that town of Hull should be committed ra- " ther to sir John Hotham, by the authority of both " houses of parliament, than to the earl of New- " castle, sent from his majesty in that manner that " he was. And for the power that sir John Ho- " tham had from the two houses of parliament, " the better it was known and understood, they " were confident the more it would be approved " and justified: and as they did not conceive, that " his majesty's refusal to have that magazine re- " moved could give any advantage against him to " have it taken from him; and as no such thing " was done, so they could not conceive, for what " other reason any should counsel his majesty, not " to suffer it to be removed, upon the desire of " both houses of parliament; except it were, that " they had an intention to make use of it against " them.

" They said, they did not except against those

" that presented a petition to his majesty at York,
" for the continuance of the magazine at Hull, in
" respect of their condition, or in respect of their
" number; because they were mean persons, or
" because they were few; but because they being
" but a few, and there being so many more in the
" county of as good quality as themselves, (who
" had, by their petition to his majesty, disavowed
" that act of theirs,) that they should take upon
" them the style of all the gentry, and inhabitants
" of that county; and, under that title, should
" presume to interpose their advice contrary to the
" votes of both houses of parliament: and, if it
" could be made to appear, that any of those peti-
" tions, that are said to have been presented to
" the houses of parliament, and to have been of a
" strange nature, were of such a nature as that,
" they were confident, that they were never re-
" ceived with their consent and approbation.

" Whether there was an intention to deprive sir
" John Hotham of his life, if his majesty had been
" admitted into Hull; and whether the information
" were such, as that he had ground to believe it,
" they would not bring into question; for that was
" not, nor ought to have been, the ground for
" doing what he did: neither was the number of
" his majesty's attendants, for being more or fewer,
" much considerable in this case; for although it
" were true, that if his majesty had entered with
" twenty horse only, he might happily have found
" means for to have forced the entrance of the rest
" of his train; who, being once in the town, would
" not have been long without arms; yet that was
" not the ground, upon which sir John Hotham

" was to proceed; but upon the admittance of the " king into the town at all, so as to deliver up the " town and magazine unto him, and to whomso- " ever he should give the command thereof, with- " out the knowledge and consent of both houses " of parliament, by whom he was intrusted to the " contrary: and his majesty having declared that " to be his intention concerning the town, in a " message that he sent to the parliament, not long " before he went to Hull; saying, that he did not " doubt, but that town should be delivered up to " him, whensoever he pleased, as supposing it to " be kept against him; and in like manner con- " cerning his magazine, in his message of the " twenty-fourth of April, wherein it is expressed, " that his majesty went thither, with a purpose to " take into his hands the magazine, and to dispose " of it in such manner, as he should think fit: " upon those terms, sir John Hotham could not " have admitted his majesty, and have made good " his trust to the parliament, though his majesty " would have entered alone, without any attend- " ants at all of his own, or of the prince or duke, " his sons; which they did not wish to be less " than they were in their number, but could " heartily wish that they were generally better in " their conditions.

" In the close of that message, his majesty stated " the case of Hull; and thereupon inferred, that " the act of sir John Hotham was levying war " against the king; and, consequently, that it was " no less than high treason, by the letter of the " statute of the 25 Edw. III. ch. 2, unless the sense

" of that statute were very far differing from the " letter thereof.

" In the stating of that case, they said, divers " particulars might be observed, wherein it was not " rightly stated: as,

1. " That his majesty's going to Hull was only " an endeavour to visit a town and fort of his: " whereas it was indeed to possess himself of the " town and magazine there, and to dispose of them, " as he himself should think good, without, and " contrary to the advice and orders of both houses " of parliament; as did clearly appear by his ma- " jesty's own declaration of his intentions therein, " by his messages to both houses, immediately " before and after that journey. Nor could they " believe, that any man, who should consider the " circumstances of that journey to Hull, could " think, that his majesty would have gone thither " at that time, and in that posture that he was " pleased to put himself in towards the parliament, " if he had intended only a visit of the town and " magazine.

2. " It was said to be his majesty's own town, " and his own magazine, which being understood " in that sense, as was before expressed, as if his " majesty had a private interest of propriety there- " in, they could not admit it to be so.

3. " Which was the main point of all, sir John " Hotham was said to have shut the gates against " his majesty, and to have made resistance with " armed men, in defiance of his majesty; whereas " it was indeed in obedience to his majesty, and " his authority, and for his service, and the service

" of the kingdom; for which use only, all that in-
" terest is, that the king hath in the town; and it
" is no further his to dispose of, than he useth it
" for that end: and sir John Hotham being com-
" manded to keep the town and magazine, for his
" majesty and the kingdom, and not to deliver
" them up, but by his majesty's authority, signified
" by both houses of parliament, all that was to be
" understood by those expressions, of his denying
" and opposing his majesty's entrance, and telling
" him in plain terms, that he should not come in,
" was only this, that he humbly desired his ma-
" jesty to forbear his entrance, till he might acquaint
" the parliament; and that his authority might
" come signified to him by both houses of parlia-
" ment, according to the trust reposed in him. And
" certainly, if the letter of the statute of the 25
" Edw. III. ch. 2, be thought to import this; that
" no war can be levied against the king, but what
" is directed and intended against his person, or
" that every levying of forces, for the defence of
" the king's authority, and of his kingdom, against
" the personal commands of the king opposed
" thereunto, though accompanied with his presence,
" is levying war against the king, it is very far
" from the sense of that statute; and so much the
" statute itself speaks, (besides the authority of
" book cases; precedents of divers traitors con-
" demned upon that interpretation thereof.) For
" if the clause of levying of war had been meant
" only against the king's person, what need had
" there been thereof after the other branch of
" treason, in the same statute, of compassing the
" king's death, which would necessarily have im-

" plied this? And because the former clause doth " imply this, it seems not at all to be intended in " this latter branch; but only the levying of war " against the king, that is, against his laws and " authority: and the levying of war against his " laws and authority, though not against his " person, is levying war against the king; but the " levying of force against his personal commands, " though accompanied with his presence, and not " against his laws and authority, but in the main- " tenance thereof, is no levying of war against the " king, but for him.

" Here was then, they said, their case: In a " time of so many successive plots, and designs of " force against the parliament and the kingdom; " in a time of probable invasion from abroad, and " that to begin at Hull, and to take the opportu- " nity of seizing upon so great a magazine there; " in a time of so great distance and alienation of " his majesty's affection from his parliament, (and " in them from his kingdom, which they represent,) " by the wicked suggestions of a few malignant " persons, by whose mischievous counsels he was " wholly led away from his parliament, and their " faithful advices and counsels: in such a time, the " lords and commons in parliament command sir " John Hotham to draw in some of the trained " bands of the parts adjacent to the town of Hull, " for the securing that town and magazine for the " service of his majesty, and of the kingdom: of " the safety whereof there is a higher trust reposed " in them, than any where else; and they are the " proper judges of the danger thereof.

" This town and magazine being intrusted to sir

" John Hotham, with express order not to deliver " them up, but by the king's authority, signified by " both houses of parliament; his majesty, contrary " to the advice and direction of both houses of " parliament, without the authority of any court, or " any legal way, wherein the law appoints the king " to speak and command, accompanied with the " same evil council about him that he had before, " by a verbal command requires sir John Hotham " to admit him into the town, that he might dis- " pose of it, and of the magazine there, according " to his own, or rather according to the pleasure of " those evil counsellors, who are still in so much " credit about him; in like manner as the lord " Digby had continual recourse unto, and counte- " nance from, the queen's majesty in Holland; by " which means he had opportunity still to commu- " nicate his traitorous conceptions and suggestions " to both their majesties; such as those were con- " cerning his majesty's retiring to a place of " strength, and declaring himself, and his own " advancing his majesty's service in such a way be- " yond the seas, and after that resorting to his " majesty in such a place of strength; and divers " other things of that nature, contained in his " letter to the queen's majesty, and to sir Lewis " Dives; a person that had not the least part in " this late business of Hull, and was presently des- " patched away into Holland, soon after his ma- " jesty's return from Hull; for what purpose, they " left the world to judge.

" Upon the refusal of sir John Hotham to admit " his majesty into Hull, presently, without any due " process of law, before his majesty had sent up

" the narration of his fact to the parliament, he " was proclaimed traitor; and yet it was said, that " therein was no violation of the subject's right, " nor any breach of the law, nor of the privilege of " parliament, though sir John Hotham be a mem- " ber of the house of commons; and that his " majesty must have better reason, than bare votes, " to believe the contrary; although the votes of " the lords and commons in parliament, being the " great council of the kingdom, are the reason of " the king, and of the kingdom: yet these votes, " they said, did not want clear and apparent reason " for them; for if the solemn proclaiming him a " traitor signify any thing, it puts a man, and all " those that any way aid, assist, or adhere unto " him, in the same condition of traitors; and " draws upon him all the consequences of treason: " and if that might be done by law, without due " process of law, the subject hath a very poor " defence of the law, and a very small, if any, pro- " portion of liberty thereby. And it is as little " satisfaction to a man, that shall be exposed to " such penalties, by that declaration of him to be " a traitor, to say, he shall have a legal trial after- " wards, as it is to condemn a man first, and try him " afterwards. And if there could be a necessity for " any such proclaiming a man a traitor, without due " process of law, yet there was none in this case; " for his majesty might as well have expected the " judgment of parliament, (which was the right " way,) as he had leisure to send to them to " demand justice against sir John Hotham. And " the breach of privilege of parliament was as clear " in this case, as the subversion of the subject's

" common right: for, though the privileges of par-
" liament do not extend to those cases, mentioned
" in the declaration, of treason, felony, and breach
" of peace, so as to exempt the members of par-
" liament from punishment, nor from all manner of
" process and trial, as it doth in other cases; yet
" it doth privilege them in the way and method of
" their trial and punishment; and that the parlia-
" ment should have the cause first brought before
" them, that they may judge of the fact, and of
" the grounds of the accusation, and how far forth
" the manner of their trial may concern, or not
" concern, the privilege of parliament. Otherwise
" it would be in the power, not only of his ma-
" jesty, but of every private man, under preten-
" sions of treasons, or those other crimes, to take
" any man from his service in parliament; and so
" as many one after another as he pleaseth; and,
" consequently, to make a parliament what he will,
" when he will; which would be a breach of so
" essential a privilege of parliament, as that the very
" being thereof depends upon it. And therefore they
" no ways doubted but every one, that had taken
" the protestation, would, according to his solemn
" vow and oath, defend it with his life and fortune.
" Neither did the sitting of a parliament suspend
" all, or any law, in maintaining that law, which
" upholds the privilege of parliament; which up-
" holds the parliament; which upholds the king-
" dom. And they were so far from believing, that
" his majesty was the only person against whom
" treason could not be committed, that, in some
" sense, they acknowledged he was the only person
" against whom it could be committed; that is, as

" he is king: and that treason, which is against " the kingdom, is more against the king, than that " which is against his person; because he is king: " for that very treason is not treason, as it is against " him as a man, but as a man that is a king; and " as he hath relation to the kingdom, and stands " as a person intrusted with the kingdom, and dis- " charging that trust.

" Now, they said, the case was truly stated, and " all the world might judge where the fault was; " although they must avow, that there could be no " competent judge of this, or any the like case, " but a parliament. And they were as confident, " that his majesty should never have cause to " resort to any other court, or course, for the " vindication of his just privileges, and for the " recovery and maintenance of his known and un- " doubted rights, if there should be any invasion " or violation thereof, than to his high court of " parliament: and, in case those wicked counsel- " lors about him should drive him into any other " course from and against his parliament, whatever " his majesty's expressions and intentions were, " they should appeal to all men's consciences; and " desire, that they would lay their hands upon " their hearts, and think with themselves, whether " such persons, as had of late, and still did resort " unto his majesty, and had his ear and favour " most, either had been or were more zealous " assertors of the true protestant profession, (al- " though they believed they were more earnest in " the protestant profession than in the protestant " religion,) or the law of the land, the liberty of " the subject, and the privileges of the parliament,

" than the members of both houses of parliament;
" who were insinuated to be the deserters, if not the
" destroyers of them: and whether, if they could
" master this parliament by force, they would not
" hold up the same power to deprive us of all par-
" liaments; which are the ground and pillar of the
" subject's liberty, and that which only maketh
" England a free monarchy.

" For the order of assistance to the committee
" of both houses, as they had no directions or
" instructions, but what had the law for their
" limits, and the safety of the land for their ends,
" so they doubted not but all persons mentioned in
" that order, and all his majesty's good subjects,
" would yield obedience to his majesty's authority,
" signified therein by both houses of parliament.
" And that all men might the better know their
" duty in matters of that nature, and upon how
" sure a ground they go, that follow the judgment
" of parliament for their guide, they wished them
" judiciously to consider the true meaning and
" ground of that statute made in the eleventh year
" of king Hen. VII. ch. 1. which was printed at
" large in the end of his majesty's message of the
" fourth of May: that statute provides, that none
" who shall attend upon the king, and do him true
" service, should be attainted, or forfeit any thing.
" What was the scope of that statute? To provide
" that men should not suffer as traitors, for serving
" the king in his wars according to the duty of
" their allegiance? If this had been all, it had
" been a very needless and ridiculous statute.
" Was it then intended, (as they seemed to take
" the meaning of it to be, that caused it to be

" printed after his majesty's message,) that they " should be free from all crime and penalty, that " should follow the king, and serve him in war in " any case whatsoever; whether it were for or " against the kingdom, and the laws thereof? " That could not be; for that could not stand " with the duty of their allegiance; which, in the " beginning of the statute, was expressed to be to " serve the king for the time being in his wars, " for the defence of him and the land; and there- " fore if it be against the land, (as it cannot be " understood to be otherwise, if it be against the " parliament, the representative body of the king- " dom,) it is a declining from the duty of alle- " giance; which this statute supposeth may be " done, though men should follow the king's per- " son in the war: otherwise there had been no " need of such a proviso in the end of the statute, " that none should take the benefit thereby, that " should decline from their allegiance. That there- " fore which is the principal verb in this statute is, " the serving of the king for the time being; " which could not be meant of a Perkin Warbeck, " or any that should call himself king; but such a " one, as, whatever his title might prove, either in " himself or in his ancestors, should be received " and acknowledged for such by the kingdom; " the consent whereof cannot be discerned but by " parliament; the act whereof is the act of the " whole kingdom, by the personal suffrage of the " peers, and the delegate consent of all the com- " mons of England.

" And Henry VII. a wise king, considering that " what was the case of Rich. III. his predecessor,

" might, by chance of battle, be his own; and that " he might at once, by such a statute as this, " satisfy such as had served his predecessor in his " wars, and also secure those which should serve " him, who might otherwise fear to serve him in " the wars; lest, by chance of battle, that might " happen to him also, (if a duke of York had set " up a title against him,) which had happened to " his predecessor, he procured this statute to be " made; that no man should be accounted a traitor " for serving the king, in his wars, for the time " being, that is, which was for the present allowed " and received by the parliament in behalf of the " kingdom: and, as it is truly suggested in the " preamble of the statute, it is not agreeable to " reason or conscience, that it should be other- " wise; seeing men should be put upon an impos- " sibility of knowing their duty, if the judgment of " the highest court should not be a rule and guide " to them. And if the judgment thereof should " not be followed, where the question is, who is " king? much more, what is the best service of " the king and kingdom? And therefore those, " who should guide themselves by the judgment " of parliament, ought, whatever happen, to be " secure and free from all account and penalties, " upon the grounds and equity of this very statute.

" They said, they would conclude, that although " those wicked counsellors about his majesty had " presumed, under his majesty's name, to put that " dishonour and affront upon both houses of par- " liament; and to make them the countenancers " of treason, enough to have dissolved all the " bands and sinews of confidence between his

" majesty and his parliament, (of whom the maxim " of the law is, that a dishonourable thing ought " not to be imagined of them,) yet they doubted " not, but it should, in the end, appear to all the " world, that their endeavours had been most " hearty and sincere, for the maintenance of the " true protestant religion; the king's just pre- " rogative; the laws and liberties of the land; " and the privileges of parliament: in which en- " deavours, by the grace of God, they would still " persist, though they should perish in the work; " which if it should be, it was much to be feared, " that religion, laws, liberties, and parliaments, " would not be long lived after them."

This declaration wrought more upon the minds of men, than all that they had done; for the business at Hull was, by very many, thought to be done before projected; and the argument of the militia to be entered upon at first in passion, and afterwards pursued with that vehemence, insensibly, by being engaged; and that both extravagances had so much weighed down the king's trespasses, in coming to the house and accusing the members, that a reasonable agreement would have been the sooner consented to on all hands. But when, by this declaration, they saw foundations laid, upon which not only what had been already done would be well justified, but whatsoever they should, hereafter, find convenient to second what was already done; and that not only the king, but the regal power, was either suppressed, or deposited in other hands; the irregularity and monstrousness of which principles found little opposition or resistance, even for the irregularity and monstrousness: very

many thought it as unsafe to be present at those consultations, as to consent to the conclusions; and so great numbers of the members of both houses absented themselves; and many, especially of the house of peers, resorted to his majesty at York. So that, in the debates of the highest consequence, there were not usually present, in the house of commons, the fifth part of their just numbers; and, very often, not above a dozen or thirteen in the house of peers. In the mean time the king had a full court, and received all comers with great clemency and grace; calling always all the peers to council, and communicating with them all such declarations he thought fit to publish in answer to those of the parliament; and all messages, and whatever else was necessary to be done for the improvement of his condition: and, having now the great seal with him, issued such proclamations, as were seasonable for the preservation of the peace of the kingdom. First he published a declaration in answer to that of the nineteenth of May, in which his majesty said:

"That if he could be weary of taking any pains "for the satisfaction of his people, and to unde- "ceive them of those specious, mischievous infu- "sions, which were daily instilled into them, to "shake and corrupt their loyalty and affection to "his majesty and his government, after so full and "ample declaration of himself and intentions, and "so fair and satisfactory answers to all such mat- "ters as had been objected to him, by a major part "present of both houses of parliament, he might "well give over that labour of his pen; and "sit still, till it should please God to enlighten the

" affections and understandings of his good sub-
" jects on his behalf, (which he doubted not, but
" that, in his good time, he would do,) that they
" might see his sufferings were their sufferings:
" but since, instead of applying themselves to the
" method, proposed by his majesty, of making
" such solid particular propositions, as might
" establish a good understanding between them,
" or of following the advice of his council of Scot-
" land, (with whom they communicated their
" affairs,) in forbearing all means that might make
" the breach wider, and the wound deeper; they
" had chosen to pursue his majesty with new re-
" proaches, or rather to continue and improve the
" old, by adding, and varying little circumstances
" and language, in matters formerly urged by
" them, and fully answered by his majesty, he had
" prevailed with himself, upon very mature and
" particular consideration of it, to answer the late
" printed book, entitled a Declaration or Remon-
" strance of the Lords and Commons, which was
" ordered, the nineteenth of May last, to be printed
" and published; hoping then, that they would
" put his majesty to no more of that trouble, but
" that that should have been the last of such a
" nature they would have communicated to his
" people; and that they would not, as they had
" done since, have thought fit to assault him with
" a newer declaration, indeed of a very new nature
" and learning; which should have another answer:
" and he doubted not, but that his good subjects
" would, in short time, be so well instructed in the
" differences and mistakings between them, that
" they would plainly discern, without resigning

" their reason and understanding to his pre-
" rogative, or the infallibility of a now major part
" of both houses of parliament, (infected by a few
" malignant spirits,) where the fault was.

" His majesty said, though he should, with all
" humility and alacrity, be always forward to ac-
" knowledge the infinite mercy and providence of
" Almighty God, vouchsafed, so many several ways,
" to himself and this nation; yet, since God him-
" self doth not allow, that we should fancy and
" create dangers to ourselves, that we might mani-
" fest and publish his mercy in our deliverance;
" he must profess, that he did not know those
" deliverances, mentioned in the beginning of that
" declaration, from so many wicked plots and de-
" signs, since the beginning of this parliament,
" which, if they had taken effect, would have
" brought ruin and destruction upon this kingdom.
" His majesty well knew the great labour and skill,
" which had been used to amuse and affright his
" good subjects with fears and apprehensions of
" plots and conspiracies; the several pamphlets
" published, and letters scattered up and down,
" full of such ridiculous, contemptible animadver-
" sions to that purpose, as (though they found, for
" what end God knows, very unusual countenance)
" no sober man would be moved with them. But,
" he must confess, he had never been able to in-
" form himself of any such pernicious, formed de-
" sign against the peace of the kingdom, since the
" beginning of this parliament, as was mentioned
" in that declaration, or which might be any war-
" rant to those great fears, both houses of parlia-
" ment seemed to be transported with; but he had

" great reason to believe, that more mischief and
" danger had been raised and begotten, to the dis-
" turbance of the kingdom, than cured or pre-
" vented, by those fears and jealousies. And
" therefore, however the rumour and discourse of
" plots and conspiracies might have been necessary
" to the designs of particular men, they should do
" well not to pay any false devotions to Almighty
" God, who discerns whether our dangers are real
" or pretended.

" For the bringing up of the army to London,
" as his majesty had heretofore, by no other direc-
" tion than the testimony of a good conscience,
" called God to witness, that he never had, or
" knew of, any such resolution; so he said, upon the
" view of the depositions now published with that
" declaration, it was not evident to his majesty,
" that there was ever such a design; unless every
" loose discourse, or argument, be evidence enough
" of a design: and it was apparent, that what had
" been said of it, was near three months before the
" discovery to both houses of parliament; so that
" if there were any danger threatened that way, it
" vanished without any resistance, or prevention,
" by the wisdom, power, or authority of them.

" It seemed the intention of that declaration,
" whatsoever other end it had, was to answer a
" declaration they had received from his majesty,
" in answer to that which was presented to his
" majesty at Newmarket, the ninth of March last;
" and likewise to his answer to the petition of both
" houses, presented to him at York, the twenty-
" sixth of March: but, before it fell upon any
" particular of his majesty's declaration or answer,

" it complained that the heads of the malignant " party had, with much art and industry, advised " *him* to suffer divers unjust scandals and imputa- " tions upon the parliament, to be published in his " name, whereby they might make it odious to the " people, and, by their help, destroy it: but not " instancing in any one scandal, or imputation, so " published by his majesty, he was, he said, still " to seek for the heads of that malignant party. But " his good subjects would easily understand, that if " he were guilty of that aspersion, he must not " only be active in raising the scandal, but passive " in the mischief begotten by that scandal, his " majesty being an essential part of the parlia- " ment; and he hoped the just defence of himself " and his authority, and the necessary vindication " of his innocence and justice, from the imputa- " tions *laid on him, by a major part* then present " of either or both houses, should no more be " called a scandal upon the parliament, than the " opinion of such a part be reputed an act of par- " liament: and he hoped his good subjects would " not be long misled, by that common expression " in all the declarations, wherein they usurp the " word parliament, and apply it to countenance " any resolution or vote some few had a mind to " make, by calling it the resolution of parliament; " which could never be without his majesty's con- " sent; neither could the vote of either or both " houses make a greater alteration in the laws of " the kingdom, (so solemnly made by the advice " of their predecessors, with the concurrence of " his majesty and his ancestors,) either by com- " manding or inhibiting any thing, (besides the

" known rule of the law,) than his single direction " or mandate could do, to which he did not ascribe " that authority.

" But that declaration informed the people, that " the malignant party had drawn his majesty into " the northern parts, far from his parliament. It " might, his majesty said, more truly and properly " have said, that it had driven, than drawn him " thither; for, he confessed, his journey thither (for " which he had no other reason to be sorry, than " with reference to the cause of it) was only forced " upon him, by the true malignant party; which " contrived and countenanced those barbarous tu- " mults, and other seditious circumstances, of which " he had so often complained, and hereafter should " say more; and which indeed threatened so much " danger to his person, and laid so much scandal " upon the privilege and dignity of parliament, " that he wondered it could be mentioned without " blushes or indignation: but of that anon: but " why the malignant party should be charged with " causing a press to be transported to York, his " majesty said, he could not imagine; neither had " any papers or writings issued from thence, to his " knowledge, but what had been extorted from him " by such provocations, as had not been before " offered to a king. And, no doubt, it would " appear a most trivial and fond exception, when " all presses were open to vent whatsoever they " thought fit to say to the people, (a thing unwar- " ranted by former custom,) that his majesty should " not make use of all lawful means, to publish his " just and necessary answers thereunto. As for " the authority of the great seal, (though he did

" not know that it had been necessary to things " of that nature,) the same should be more fre- " quently used hereafter, as occasion should require; " to which he made no doubt, but the greater " and better part of his privy council would concur; " and whose advice he was resolved to follow, as " far as it should be agreeable to the good and " welfare of the kingdom.

" Before that declaration vouchsafed to insist on " any particulars, it was pleased to censure both " his majesty's declaration and answer to be filled " with harsh censures, and causeless charges upon " the parliament, (still misapplying the word par- " liament to the vote of both houses,) concerning " which they resolve to give satisfaction to the " kingdom, since they found it very difficult to " satisfy his majesty. If, as in the usage of the " word parliament, they had left his majesty out of " their thoughts; so by the word kingdom, they " intended to exclude all his people who were not " within their walls, (for that was grown another " phrase of the time, the vote of the major part of " both houses, and sometimes of one, was now " called the resolution of the whole kingdom,) his " majesty believed, it might not be hard to give " satisfaction to themselves; otherwise he was " confident, (and, he said, his confidence proceeded " from the uprightness of his own conscience,) " they would never be able so to sever the affections " of his majesty and his kingdom, that what could " not be satisfaction to the one, should be to the " other: neither would the style of humble, and " faithful, and telling his majesty that they will " make him a great and glorious king, in their

" petitions and remonstrances, so deceive his good " subjects, that they would pass over the re- " proaches, threats, and menaces they were stuffed " with; which surely could not be more gently " reprehended by his majesty, than by saying, " their expressions were different from the usual " language to princes; which that declaration told " him he had no occasion to say: but he believed, " whosoever looked over that declaration, pre- " sented to him at Newmarket, to which his was " an answer, would find the language throughout " it to be so unusual, that, before this parliament, it " could never be paralleled; whilst, under pretence " of justifying their fears, they gave so much coun- " tenance to the discourse of the rebels of Ireland, " as if they had a mind his good subjects should " give credit to it: otherwise, being warranted by " the same evidence, which they have since pub- " lished, they would have as well declared, that " those rebels publicly threaten the rooting out " the name of the English, and that they will have " a king of their own, and no longer be governed " by his majesty, as that they say, that they do " nothing, but by his majesty's authority; and " that they call themselves the queen's army. And " therefore he had great reason to complain of the " absence of justice and integrity in that declara- " tion; besides the unfitness of other expressions.

" Neither did his majesty mistake the substance, " or logic of their message to him, at Theobalds, " concerning the militia; which was no other, " and was stated to be no other, even by that de- " claration that reproved him, than a plain threat, " that if his majesty refused to join with them,

" they would make a law without him: nor had " the practice since that time been other; which " would never be justified to the most ordinary (if " not partial) understandings, by the mere averring " it to be according to the fundamental laws of " this kingdom, without giving any directions, that " the most cunning and learned men in the laws " might be able to find those foundations. And " he would appeal unto all the world, whether they " might not, with as much justice, and by as much " law, have seized upon the estate of every mem- " ber of both houses, who dissented from that pre- " tended ordinance, (which much the major part " of the house of peers did, two or three several " times,) as they had invaded that power of his " over the militia, because he, upon reasons they " had not so much as pretended to answer, refused " to consent to that proposition.

" And if no better effects, than loss of time, and " hinderance of the public affairs, had been found " by his answers and replies, all good men might " judge by whose default, and whose want of duty, " such effects had been; for as his end, indeed his " only end, in those answers and replies, had been " the settlement and composure of public affairs; " so, he was assured, and most men did believe, " that if that due regard and reverence had been " given to his words, and that consent and obedience " to his counsels, which he expected, there had " been, before that time, a cheerful calm upon the " face of the whole kingdom; every man enjoying " his own, with all possible peace and security that " can be imagined; which surely those men did " not desire, who (after all those acts of justice and

" favour passed by him this parliament; all those " sufferings and affronts endured and undergone " by him) thought fit still to reproach him with " ship-money, coat and conduct-money, and other " things so abundantly declared, as that declaration " itself confessed, in the general remonstrance of " the state of the kingdom, published in November " last; which his majesty wondered to find now " avowed to be the remonstrance of both houses; " and which, he was sure, was presented to him " only by the house of commons; and did never, " and, he was confident, in that time could never " have passed the house of peers; the concurrence " and authority of which was not then thought " necessary. Should his majesty believe those re- " proaches to be the voice of the kingdom of Eng- " land, that all his loving subjects eased, refreshed, " strengthened, and abundantly satisfied with his " acts of grace and favour towards them, were will- " ing to be involved in those unthankful expressions? " He would appeal to the thanks and acknowledg- " ments published in the petitions of most of the " counties of England; to the testimony and thanks " he had received from both houses of parliament; " how seasonable, how agreeable that usage was " to his majesty's merit, or their former expressions.

" His majesty said, he had not at all swerved or " departed from his resolutions, or words, in the " beginning of this parliament; he had said, he " was resolved to put himself freely and clearly " upon the love and affection of his English sub- " jects; and he said so still, as far as concerns " England. And he called Almighty God to wit- " ness, all his complaints and jealousies, which

" had never been causeless, nor of his houses of " parliament, (but of some few schismatical, fac- " tious, and ambitious spirits; and upon grounds, " as he feared, a short time would justify to the " world,) his denial of the militia, his absenting " himself from London, had been the effects of an " upright and faithful affection to his English sub- " jects; that he might be able, through all the incon- " veniences he might be compelled to wrestle with, " at last to preserve and restore their religion, " laws, and liberties unto them.

" Since the proceeding against the lord Kim- " bolton, and the five members, was still looked " upon, and so often pressed, as so great an ad- " vantage against his majesty, that no retractation " made by him, nor no action, since that time " committed against him, and the law of the land, " under the pretence of vindication of privilege, " could satisfy the contrivers of that declaration, " but that they would have his good subjects " believe, the accusation of those six members " must be a plot for the breaking the neck of the " parliament, (a strange arrogance, if any of those " members had the penning of that declaration,) " and that it was so often urged against him, as if " by that single, casual mistake of his, in form " only, he had forfeited all duty, credit, and alle- " giance from his people, he said, he would, with- " out endeavouring to excuse that, which in truth " was an error, (his going to the house of com- " mons,) give his people a full and clear narration " of the matter of fact; assuring himself, that his " good subjects would not find his carriage, in that " business, such as had been reported.

" His majesty said, that when he resolved, upon " such grounds, as, when they should be published, " would satisfy the world, that it was fit for his " own safety and honour, and the peace of the " kingdom, to proceed against those persons; " though, he well knew, there was no degree of " privilege in that case; yet, to shew his desire of " correspondence with the two houses of parlia- " ment, he chose rather than to apprehend their " persons by the ordinary ministers of justice, " (which, according to the opinion and practice of " former times, he might have done,) to command " his attorney general, to acquaint his house of " peers with his intention, and the general matters " of his charge, (which was yet more particular, than " a mere accusation,) and to proceed accordingly; " and at the same time sent a sworn servant, a " sergeant at arms, ~~to the house of commons~~, to " acquaint them, that his majesty did accuse, and " intended to prosecute, the five members of that " house for high treason; and did require, that " their persons might be secured in custody. This " he did, not only to shew that he intended not to " violate or invade their privileges, but to use " more ceremony towards them, than he then con- " ceived in justice might be required of him; and " expected at least such an answer, as might in- " form him, if he were out of the way; but he " received none at all; only, in the instant, with- " out offering any thing of their privileges to his " consideration, an order was made, and the same " night published in print, that if any person " whatsoever should offer to arrest the person of " any member of that house, without first acquaint-

" ing that house therewith, and receiving further " order from that house, that it should be lawful " for such member, or any person, to assist them, " and to stand upon his or their guard of defence; " and to make resistance, according to the pro- " testation taken to defend the privileges of par- " liament: and this was the first time that he " heard the protestation might be wrested to such " a sense, or that in any case, though of the most " undoubted and unquestionable privilege, it might " be lawful for any person to resist, and use vio- " lence against a public minister of justice, armed " with lawful authority; though his majesty well " knew, that even such a minister might be " punished for executing such authority.

" Upon viewing that order, his majesty con- " fessed, he was somewhat amazed, having never " seen or heard *of the like*; though he had known " members of either house committed, without so " much formality as he had used, and upon crimes " of a far inferior nature to those he had sug- " gested; and having no course proposed him for " his proceeding, he was, upon the matter, only " told, that against those persons he was not to " proceed at all; that they were above his reach, " or the reach of the law. It was not easy for " him to resolve what to do: if he employed his " ministers of justice in the usual way for their " apprehension, who without doubt would not " have refused to have executed his lawful com- " mands, he saw what opposition, and resistance, " was like to be made; which, very probably, " might have cost some blood: if he sat still, " and desisted upon that terror, he should, at the

" best, have confessed his own want of power, and " the weakness of the law. In that strait, he put " on a sudden resolution, to try whether his own " presence, and a clear discovery of his intentions, " which haply might not have been so well under- " stood, could remove those doubts, and prevent " those inconveniences, which seemed to have " been threatened; and thereupon he resolved to " go, in his own person, to the house of commons; " which he discovered not, till the very minute of " his going; when he sent out, that his servants, " and such gentlemen as were then in his court, " should attend him to Westminster; but giving " them express command, as he had expressed in " his answer to the ordinance, that no accidents, or " provocation, should draw them to any such action, " as might imply a purpose of force in his majesty; " and himself, requiring those of his train not to " come within the door, went into the house of " commons; the bare doing of which, he did not " then conceive, would have been thought more a " breach of privilege, than if he had gone to the " house of peers, and sent for them to come to " him: which was the usual custom.

" He used the best expressions he could, to as- " sure them how far he was from any intention of " violating their privileges; that he intended to " proceed legally and speedily against the persons " he had accused; and desired therefore, if they " were in the house, that they might be delivered " to him; or if absent, that such course might be " taken for their forthcoming, as might satisfy his " just demands; and so he departed, having no " other purpose of force, if they had been in the

" house, than he had before protested, before God,
" in his answer to the ordinance. They had an
" account now of his part of that story fully; his
" people might judge freely of it. What fol-
" lowed on their part, (though that declaration
" said, it could not withdraw any part of their
" reverence and obedience from his majesty; it
" might be any part of theirs it did not,) he should
" have too much cause hereafter to inform the
" world.

" His majesty said, there would be no end of the
" discourse, and upbraiding him with evil counsel-
" lors, if, upon his constant denial of knowing any,
" they would not vouchsafe to inform him of them;
" and after eight months amusing the kingdom
" with the expectation of the discovery of a malig-
" nant party, and of evil counsellors, they would
" not at last name any, nor describe them. Let
" the actions and lives of men be examined, who
" had contrived, counselled, actually consented to
" grieve and burden his people; and if such were
" now about his majesty, or any against whom any
" notorious, malicious crime could be proved, if he
" sheltered and protected any such, let his injustice
" be published to the world: but till that were
" done, particularly, and manifestly, (for he should
" never conclude any man upon a bare, general
" vote of the major part of either, or both houses,
" till it were evident, that that major part was with-
" out passion or affection,) he must look upon the
" charge that declaration put on him, of cherishing
" and countenancing a discontented party of the
" kingdom against them, as a heavier and unjuster
" tax upon his justice and honour, than any he had,

" or could lay, upon the framers of that declaration.
" And now, to countenance those unhandsome ex-
" pressions, whereby usually they had implied his
" majesty's connivance at, or want of zeal against,
" the rebellion of Ireland, (so odious to all good
" men,) they had found a new way of exprobration:
" that the proclamation against those bloody trai-
" tors came not out, till the beginning of January,
" though that rebellion broke out in October, and
" then, by special command from his majesty, but
" forty copies were appointed to be printed. His
" majesty said, it was well known where he was at
" that time, when that rebellion brake forth; in
" Scotland: that he immediately, from thence, re-
" commended the care of that business to both
" houses of parliament here, after he had provided
" for all fitting supplies from his kingdom of Scot-
" land: that, after his return hither, he observed
" all *those forms* for that service, which he was
" advised to by his council of Ireland, or both
" houses of parliament here; and if no proclama-
" tion issued out sooner, (of which, for the present,
" he was not certain; but thought that others, by
" his directions, were issued before that time,) it
" was, because the lords justices of the kingdom
" desired them no sooner; and when they did, the
" number they desired was but twenty, which they
" advised might be signed by his majesty; which
" he, for expedition of the service, commanded to
" be printed; a circumstance not required by them;
" thereupon he signed more of them, than his jus-
" tices desired; all which was very well known to
" some members of one, or both houses of parlia-
" ment: who had the more to answer, if they for-

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